

रजिस्टर्ड नं० पो० ६७



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, २० जुलाई, १९६८/२६ आषाढ़, १८९०

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 8th July, 1968

No. 1-47/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business for the Himachal Pradesh Legislative Assembly,

५८२ असाधारण राजपत्र, हिमाचल प्रदेश, २० जुलाई, १९६८/२९ अगस्त, १८६०

1964, "The Himachal Pradesh Municipal Bill, 1968 (Bill No. 28 of 1968)" as introduced in the Legislative Assembly on the 8th July, 1968 is hereby published in the Himachal Pradesh Government Gazette.

SURENDRANATH,
Under Secretary.

THE HIMACHAL PRADESH MUNICIPAL BILL, 1968

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**A
BILL**

to consolidate and amend the law relating to Municipalities in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Himachal Pradesh Municipal Act, 1968. Title, extent and commencement.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(1) “annual value” means—

(a) in the case of land, the gross annual rent at which it may reasonably be expected to let from year to year:

Provided that, in the case of land assessed to land-revenue or of which land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the State Government so directs, be deemed to be double the aggregate of the following amounts, namely:—

(i) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(ii) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of owner's rate or water advantage rate, or other rate imposed in respect of such improvement;

(b) in the case of any house or building, the gross annual rent at which such house or building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to let from year to year, subject to the following deductions:—

(i) such deduction not exceeding 20 per cent of the gross annual rent as the committee in each particular case may consider a reasonable allowance on account of the furniture let therewith;

(ii) a deduction of 10 per cent for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent. The deduction under this sub-clause shall be calculated on the balance of the gross annual rent after the deduction, if any, under sub-clause (i);

- (iii) where land is let with a building, such deduction, not exceeding 20 per cent, of the gross annual rent, as the committee in each particular case may consider reasonable on account of the actual expenditure, if any, annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent:

Explanation I.—For the purposes of this clause it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let by the same contract or by different contracts, and if by different contracts, whether such contracts are made simultaneously or at different times.

Explanation II.—The term “gross annual rent” shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

- (c) in the case of any house or building, the gross annual rent of which cannot be determined under clause (b), 5 per cent on the sum obtained by adding the estimated present cost of erecting the building, less such amount as the committee may deem reasonable to be deducted on account of depreciation, if any, to the estimated market value of the site and any land attached to the house or building:

Provided that,—

- (i) in the calculation of the annual value of any premises, no account shall be taken of any machinery thereon;
- (ii) when a building is occupied by the owner under such exceptional circumstances as to render a valuation at 5 per cent on the cost of erecting the building, less depreciation, excessive, a lower percentage may be taken;
- (2) “building” means any shop, house, hut, outhouse, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever; and includes a wall and a well;
- (3) “building line” means a line beyond which the outer face or any part or an external wall of a building may not project in the direction of any street, existing or proposed;
- (4) (a) “built area” is that portion of a municipality of which the greater part has been developed as a business or residential area;
- (b) “unbuilt area” is an area within the municipal limits which is declared to be such at a special meeting of the committee by a resolution confirmed by the State Government or which is notified as such by the State Government;
- (5) “bye-laws” and “bye-law” mean respectively the regulations made or to be made by the committee at a special meeting under the authority of this Act and any one of such regulations;
- (6) “committee” means a municipal committee established by or under this Act;
- (7) “compost manure” means the produce prepared from dung by subjecting it to the process of compost making in the manner prescribed by rules;
- (8) “Deputy Commissioner” or “Deputy Commissioner of the district” includes Additional Deputy Commissioner, Joint Deputy Commissioner or any person or persons at any time appointed by the State Government to perform in any district or districts the functions of a Deputy Commissioner under this Act;

- (9) "dung" for the purposes of sections 152 and 153 shall include night-soil, sewage, sullage, sludge, refuse, filth or rubbish or animal matter of any kind;
- (10) "erect or re-erect any building" includes,—
 - (a) any material alteration or enlargement of any building;
 - (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
 - (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
 - (d) the conversion of two or more places of human habitation into a greater number of such places;
 - (e) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security;
 - (f) the addition of any rooms, building, outhouses, or other structures to any building; and
 - (g) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;
- (11) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1934, respectively;
- (12) "factory" shall have the meaning assigned to it in the Factories Act, 1948;
- (13) "infectious disease" means cholera, plague, small-pox, tuberculosis or such other dangerous disease as the State Government may notify in this behalf;
- (14) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immovable property, in any municipality; or in any local area which the State Government has, by notification under this Act, proposed to declare to be a municipality; and in case of any dispute, means any person or persons declared by the Deputy Commissioner to be inhabitant or inhabitants;
- (15) "Medical Officer of Health" means such person as the committee has appointed Medical Officer of Health, or such person as the State Government may, by notification, appoint Medical Officer of Health or failing such appointment, the District Medical Officer of Health;
- (16) "municipality" means any local area declared by or under this Act to be a municipality;
- (17) "occupier" includes an owner in actual occupation of his own land or building, and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used, and for the purposes of Chapters V and VIII "occupier" shall include hotel-keeper, lodging house-keeper, and any owner whose premises are let to more than one tenant;
- (18) "owner" includes the person for the time being receiving the rent of land and building, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant;
- (19) "public place" means a space which is open to the use or enjoyment of the public whether or not private property and whether or not vested in the committee;

4 of 1884
30 of 1934

63 of 1948

- (20) "rules" and "rule" mean, respectively, the rules made or to be made and notified by the State Government under the authority of this Act, and any one of such rules;
- (21) "State Government" or "Government" means the Government of Himachal Pradesh;
- (22) (a) "street" shall mean any road, footway, square, court, alley or passage, accessible, whether permanently or temporarily to the public, and whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupier of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;
- and shall include also the drains or gutters therein, or on either side, and the land, whether covered or not by any pavement, verandah or other erection upto the boundary of any abutting property not accessible to the public;
- (b) "public street" shall mean any street,—
- (i) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds, unless before such work was carried out there was an agreement with the proprietor that the street should not thereby become a public street, or unless such work was done without the implied or express consent of the proprietor; or
- (ii) which, under the provisions of section 179, is declared by the committee to be, or under any other provision of this Act becomes, a public street;
- (23) "vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

CHAPTER II

CONSTITUTION OF MUNICIPALITIES

Procedure for
constituting
municipality.

3. (1) The State Government may, by notification, propose any local area to be a municipality under this Act:

Provided that no military cantonment or part of a military cantonment shall be included in any such area.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the State Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the State Government the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.

(5) Should any inhabitant desire to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the

State Government and the State Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the State Government has considered and passed orders on such objections as may have been submitted to it, the State Government may, by notification, declare the local area to be, for purposes of this Act, a municipality of the first or second class.

(7) The State Government may, by notification, direct that all or any of the rules made under this Act which are in force in any municipality in Himachal Pradesh shall, with such exceptions and adaptations as may be considered necessary, apply to the local area constituted a municipality under this section, and such rules shall forthwith apply to such municipality without further publication.

(8) When a local area, the whole or part of which was a notified area under this Act, is declared to be a municipality under this section, the municipal committee shall be deemed to be the perpetual successor of such notified area committee in respect of all its rules, bye-laws, taxes, and all other matters whatsoever, and the notified area committee shall continue in office and shall, notwithstanding anything contained in this Act, be deemed to be the municipal committee until the appointment and election of members is notified by the State Government under section 11.

(9) The State Government may, after consulting the committee, direct by notification that any municipality be transferred from one class to another.

(10) A committee shall come into existence at such time as the State Government may, by notification, appoint in this behalf.

4. (1) The State Government may, by notification published in the Official Gazette and in such other manner as it may determine, declare its intention to include within a municipality any local area in the vicinity of the same and defined in the notification.

Notification of intention to alter limits of municipality.

(2) Any inhabitant of a municipality or local area in respect of which a notification has been published under sub-section (1), may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification in the Official Gazette; and the State Government shall take such objection into consideration.

(3) When six weeks from the publication of the notification have expired, and the State Government has considered the objections, if any, which have been submitted under sub-section (2), the State Government may, by notification, include the local area in the municipality.

(4) When any local area has been included in a municipality under sub-section (3) of this section, this Act, and, except as the State Government may otherwise, by notification, direct, all rules, bye-laws, orders, directions and powers made, issued, or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.

5. The State Government may, by notification and in such other manner as it may deem fit, declare its intention to exclude from a municipality any local area comprised therein and defined in the notification.

Notification of intention to exclude local area from municipality.

6. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 5 may, if he objects to the exclusion proposed, submit his objection in writing to the State Government within six weeks from the publication of the notification and the State Government shall take his objection into consideration.

Exclusion of local area from municipality.

(2) When six weeks from the publication of the notification have expired and the State Government has considered the objections, if any, which have been submitted under sub-section (1), the State Government may, by notification, exclude the local area from the municipality.

Effect of exclusion of local area from municipality.

7. When a local area is excluded from a municipality under section 6,—

- (a) this Act, and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply thereto; and
- (b) the State Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vesting in the municipal committee shall vest in the State Government and in what manner the liabilities of the committee shall be apportioned between the committee and the State Government, and on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

Power to except municipality from provisions of this Act unsuited thereto.

8. (1) Should the circumstances of any municipality be such that, in the opinion of the State Government, any of the provisions of this Act are unsuited thereto, the State Government may, by notification, except the municipality or any part of it, from the operation of those provisions; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification.

(2) While such exception as aforesaid remains in force, the State Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from the operation of this Act.

9. (1) The State Government may, by notification, withdraw from the operation of this Act the area of any municipality constituted thereunder.

(2) When a notification is issued under this section in respect of any municipality, this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area; the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in the State Government and the liabilities of the committee shall be transferred to the State Government.

CHAPTER III

COMMITTEES

CONSTITUTION OF COMMITTEES

Constitution of committees.

10. There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members not less than five as the State Government may fix in this behalf.

Appointment and election of members.

11. Subject to the provisions of section 16, a committee shall consist of such number of elected members as the State Government may prescribe in this behalf:

Provided that the State Government may nominate to each committee such number as may be fixed, but not exceeding eight, of officials to act as advisers. Such advisers shall not be deemed members of the committee and shall have no right to vote in any capacity whatever, but shall be entitled to participate in all proceedings of the committee in an advisory capacity.

12. (1) The term of office of *ex-officio* advisers shall, unless the State Government otherwise directs, be coterminous with the term of office by virtue of which they are appointed. Term of office of members.

(2) The term of office of elected members shall be fixed by the State Government by rules made under this Act, and may be fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) Notwithstanding anything contained in sub-section (2) or in any rules made by the State Government thereunder, an outgoing member shall, unless the State Government otherwise directs, continue in office until the date fixed for the meeting at which his successor is required to take the oath of allegiance.

(4) An outgoing member may, if otherwise qualified, be re-elected.

(5) When as a result of an enquiry held under chapter XIII, an order declaring the election of any member void has been notified, such member shall forthwith cease to be a member of the committee.

13. Notwithstanding anything in the foregoing sections of this chapter, the State Government may, at any time, for any reason which it may deem to affect the public interests, or at the request of a majority of the electors, by notification, direct,— Powers of the State Government over the constitution of committee.

(a) that the number of seats on any committee shall be increased or reduced;

(b) that any seats on a committee which are required to be filled by election shall be filled by appointment, if a sufficient number of members has not been elected;

(c) that the seat of any specified member, whether elected or appointed, shall be vacated on a given date, and in such case, such seat shall be vacated accordingly, notwithstanding anything contained in this Act or in the rules made thereunder:

Provided that before taking action under this sub-section, the member concerned shall be given an opportunity of tendering an explanation in writing.

14. If a member of a committee wishes to resign his office, he shall submit an application in writing through the Deputy Commissioner to the State Government. If such resignation is accepted, it shall be notified in the gazette on a date not less than 15 days and not more than 60 days after the receipt of the said member's application by the Deputy Commissioner whereupon the member shall be deemed to have vacated his seat: Resignation of member committee.

Provided that if a member who has submitted an application to resign wishes to withdraw his resignation, he may apply to the Deputy Commissioner within 15 days of the receipt by the Deputy Commissioner of his application to resign, and the application to resign shall then be deemed to have been withdrawn.

15. (1) The State Government may, by notification, remove any member of committee,— Powers of the State Government as to removal of members.

(a) if he refuses to act, or becomes, in the opinion of the State Government, incapable of acting, or has been declared a bankrupt or an insolvent or has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of the State Government, a defect of character which unfits him to be a member;

(b) if he has been declared, by notification, to be disqualified for employment in, or has been dismissed from the public service and the

reason for the disqualification or dismissal is such as implies, in the opinion of the State Government, a defect of character which unfits him to be a member;

- (c) if he has, without reasonable cause in the opinion of the State Government, absented himself for more than three consecutive months from the meetings of the committee;
- (d) if his continuance in office is, in the opinion of the State Government, dangerous to the public peace or order;
- (e) if, in the opinion of the State Government, he has flagrantly abused his position as a member of the committee or has through negligence or misconduct been responsible for the loss, or misapplication of any money or property of the committee;
- (f) in the case of an elected member, if he has, since his election, become subject to any disqualification which, if it had existed at the time of his election, would have rendered him ineligible under any rule for the time being in force regulating the qualifications of candidates for election, or if it appears that he was at the time of his election subject to any such disqualification;
- (g) if, being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the committee, or on behalf of or against the Government where in the opinion of the State Government such action or appearance is contrary to the interests of the committee:

Provided that before the State Government notifies the removal of a member under this section, the reasons for his proposed removal shall be communicated to the member concerned, and he shall be given an opportunity of tendering an explanation in writing.

(2) A person removed under this section or whose election or appointment has been deemed to be invalid under the provisions of sub-section (2) of section 23, or whose election has been declared void for corrupt practices or intimidation under the provisions of section 270, shall be disqualified for election for a period not exceeding five years:

Provided that a person whose election or appointment has been deemed to be invalid under the provisions of sub-section (2) of section 23, shall not be disqualified for election or appointment for a period exceeding two years from the date of disqualification.

(3) A person whose seat has been vacated under the provisions of section 13(c) may be disqualified for election for a period not exceeding five years.

Casual
vacancies on
committee.

16. (1) Whenever a vacancy occurs by the death, resignation or removal, otherwise than under the provisions of section 13(c), of any elected member, or by the vacation of his seat under the provisions of sub-section (5) of section 12, a new member shall be elected in accordance with the rules made under this Act to fill the place:

Provided that the State Government may direct in any such case that the vacancy shall be left unfilled:

Provided further that, if no qualified candidate appears for election, the State Government may appoint a member to fill the vacancy.

(2) Upon the death, resignation or removal of any appointed member, or when a member's seat has been vacated under the provisions of section 13(c),

the State Government may, if it shall think fit, fill his place, either by appointment or by election.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which, it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

17. Every committee shall be a body corporate by the name of the municipal committee of its municipality; and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act, or of any rules made thereunder, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.

Incorporation of committees.

18. Every officer or servant employed by the committee whether for the whole or part of his time and every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers, servants and members to be public servants.

PRESIDENT AND VICE-PRESIDENT

19. (1) Every committee shall from time to time elect one of its members to be president, and the member so elected shall become president of the committee:

Election or appointment of president and vice-president.

Provided that the committee, instead of electing a president, may apply to the State Government to appoint a president from among its members, and that the State Government may, by notification, exclude any committee from the operation of this sub-section, and that in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, the State Government may, if it shall think fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-president or vice-presidents, and when the two vice-presidents are elected on the same date, shall declare which of them shall be deemed to be the senior.

(3) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

20. (1) If a president is appointed by the State Government by virtue of his office, the person for the time being holding the office shall be president until the State Government shall otherwise direct.

Term of office of president and vice-president.

(2) The term of office of a president elected or appointed by name or elected by virtue of his office shall be three years or the residue of his term of office as member, whichever is less.

(3) The term of office of a vice-president shall be such term as the committee may, by bye-law, fix.

(4) An outgoing president or vice-president shall, if otherwise qualified, be again eligible for election or appointment.

21. Whenever a president or vice-president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office; and any president or vice-president may be removed from office by the State Government on the ground of abuse of his powers or of habitual

Resignation of president or vice-president.

failure to perform his duties or in pursuance of a resolution requesting his removal passed by two-thirds of the members of the committee:

Provided that before the State Government notifies his removal, the reason for his proposed removal shall be communicated to him by means of a registered letter in which he shall be invited to tender within twenty-one days an explanation in writing and, if no such explanation is received in the office of the appropriate Secretary to Government within twenty-one days of the despatch of the said registered letter, the State Government may proceed to notify his removal.

Casual vacancies in office of president or vice-president.

22. Upon the occurrence of any vacancy in the office of president or vice-president, a new president or vice-president shall be elected or appointed in manner provided by section 19.

NOTIFICATION OF ELECTION AND APPOINTMENTS

Notifications of elections, appointments and vacancies.

23. (1) Every election and appointment of a member or president of a committee shall be notified within 30 days after the date of election or appointment, as the case may be, by the Deputy Commissioner, and no member shall enter upon his duties until his election or appointment has been so notified and until, notwithstanding anything contained in the Indian Oaths Act, 1873, he has taken or made, at a meeting of the committee, an oath or affirmation of his allegiance to India, in the following form, namely:—

10 of 1873

"I, A. B., having been elected or appointed a member of the municipal committee of.....do solemnly swear (or affirm) that I will be faithful and bear true allegiance to India and the Constitution of India as by law established and I will faithfully discharge the duties upon which I am about to enter."

(2) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section (1) within one month of the date of the notification, of his election or appointment, as the case may be, shall be deemed to be invalid unless the State Government, for any reason which it may consider sufficient, extends the period within which such oath or affirmation may be taken or made.

(3) If an election is deemed to be invalid under the provisions of sub-section (2), a fresh election shall be held; and if an appointment is deemed to be invalid under the provisions of sub-section (2), the State Government shall appoint another person.

CONDUCT OF BUSINESS

Times for holding meetings.

24. (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The president or, in his absence or during the vacancy of his office, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

25. (1) Every meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

(3) When a special and an ordinary meeting are called for the same day, the special meeting shall be held as soon as the necessary quorum is present.

Quorum.

26. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the member of the committee actually serving at the time, but shall not be less than three,

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the bye-laws, but shall not be less than three:

Provided that, if at any ordinary or special meeting of a committee, a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

27. At every meeting of a committee, the president, if present, or, in his absence or during the vacancy of his office, the senior vice-president present, and if there be no president or vice-president present, then such one of their number as the members present may elect, shall preside as chairman. Chairman of meeting.

28. Except as otherwise provided by this Act or the rules, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote. Vote of majority decisive.

29. (1) Minutes of the proceedings at each meeting of a committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the State Government may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant. Record and publication of proceedings.

(2) A copy of every resolution passed at any meeting of a committee shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

30. (1) Every committee may, from time to time, and shall, if so required by the State Government, provide, by bye-laws consistent with this Act and with the rules, for— Bye-laws.

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the appointment of sub-committees and their duties, the division of duties among the members of the committee and the powers to be exercised by such members as are primarily responsible for the current executive administration, whether president, vice-presidents, members of sub-committees or individual members;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the condition on which registers, documents, maps and plans of the committee may be inspected by the public, and copies of them supplied, and the fees payable for such inspection or for the supply of such copies;
- (i) the appointment, duties, executive powers, leave, suspension and removal of its officers and servants;

- (j) the term for which a vice-president shall hold office;
 - (k) appeal from executive orders of sub-committees, the president, vice-president, member, officers and servants of the committee; and
 - (l) all other similar matters.
- (2) No bye-law made under clause (c) or clause (d) or clause (f) of sub-section (1) shall take effect until it has been approved by the State Government.
- (3) Every bye-law made under this section shall be published in such manner as the State Government may direct.

DELEGATION OF POWERS

Delegation of certain powers and functions of State Government.

31. (1) In the case of municipalities of the second class, the powers and functions of the State Government under section 11 in regard to the appointment of members of committees, under sub-section (1) of section 12, under clause (b) of section 13, under sections 14 and 16 and under sub-section (2) of section 30 and under section 40, and in the case of notified areas, the powers and functions of the State Government under section 257 in regard to the appointment of members of committees may be delegated by the State Government to any person.

(2) In regard to powers or functions delegated to him under this section, every Deputy Commissioner shall have the same authority as is given by this Act to the State Government and the delegation shall continue until revoked by the State Government.

(3) A delegation under this section may be of all or any powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

Delegation of certain powers and functions of committees.

32. (1) Notwithstanding anything in this Act, every committee may, subject to the provisions of section 45, with the previous sanction of the State Government by resolution, delegate;

(a) to the president, a vice-president, the secretary or a sub-committee, all or any of the powers conferred upon the committee by sections 38, 72, 75, 77, 94, 95, 98, 102, 106 (1), 107, 110, 111, 112, 113, 115, 116, 117, 121, 123, 125, 126, 127, 128, 129, 130, 139, 141, 142, 144 clauses (b) and (c), 168, 171 (c), 172, 173 (1) and (2), 180 (2), 181, 185, 186, 201, 208, 217, 218, 219, 220, 221, 222, 224, 225, 226 and 235;

(b) to the Medical Officer of Health all or any of the powers conferred upon the committee under sections 38, 102, 106, 110, 111, 112, 113, 114, 115, 116, 117, 124, 125, 127, 130, 141, 142, 143, 144 clauses (b) and (c), 145, 148, 156, 159, 168, 192, 217, 218, 219 clause (b), 220, 222, 225 and 226;

(c) to the Director of Health Services, Civil Surgeon of the district or any Officer of the department of Education or Public Health all or any of the powers conferred upon the committee under section 38; and

(d) to the Municipal Engineer the powers conferred upon the committee under section 205 and under section 207, except to the extent that composition under that section shall require the sanction of the committee;

in respect of all or particular classes of cases arising under these sections, and for the whole or any part of the municipality and may, by resolution, withdraw the powers so delegated.

(2) The delegation by the committee of any power under sub-section (1) may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to, or revision by, the committee within such period as may, by bye-law, be prescribed.

33. (1) With the previous sanction of the State Government subject to such conditions as the State Government may prescribe, and committee may appoint the elected members for any one or more wards, along with such appointed members as the Government may approve, to be a sub-committee for the management of the ward or wards, and may delegate to the sub-committee all or any of the powers of the committee to be exercised within the ward or wards.

Appointment of ward sub-committees.

(2) The sub-committee shall, if necessary, from time to time, appoint one of its members to be chairman of the sub-committee.

34. (1) On the occurrence or threatened occurrence of any event involving or likely to involve extensive damage to property or danger to human life or grave inconvenience to the public, the president or, in the absence of the president or during the vacancy of his office, a vice-president may, if in his opinion there is an emergency necessitating action before the matter can be considered by the committee, direct the execution of any such work or the doing of any such act which the committee is empowered to execute or do, as the emergency shall in his opinion justify or require, and may direct that the expense of executing such work or doing such act be paid from the municipal fund:

Extraordinary powers of president or vice-president in case of emergency.

Provided that every such action taken under this section shall be reported to the committee at its next meeting.

(2) The president or vice-president shall not act under this section in contravention of any order of the committee.

(3) The president or in his absence or during the vacancy of his office, a vice-president may prohibit, until the matter has been considered by the committee, the doing of any act which is, in his opinion undesirable in the public interest: provided that the act is one which the committee has power to prohibit.

(4) No direction given in this section shall be questioned in any court on the ground that the case was not one of emergency.

JOINT COMMITTEES

35. A committee may concur with any other committee, or with any local authority, or with any cantonment authority, or with more than one such committee or authority in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating thereto.

Joint committees.

DEFECTS IN CONSTITUTION AND IRREGULARITIES

36. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

OFFICERS AND SERVANTS

Appointment
of Secretary.

37. (1) Every committee shall, from time to time, at a special meeting, appoint, subject to the approval of the State Government, one of its members, or any other person, to be its secretary, and may, at a like meeting, suspend, remove, dismiss or otherwise punish any person so appointed.

(2) The committee may, and shall when so required by the State Government, appoint at a special meeting, a person or persons approved by the State Government to be its Medical Officer of Health or Engineer, and may assign to him or them such remuneration as it may think fit, and may, at a special meeting, remove or dismiss any person so appointed:

Provided that a Medical Officer of Health towards whose emoluments a contribution is made by the State Government shall not be appointed or dismissed without the previous sanction of the State Government.

(3) When a member of the committee is appointed secretary, he shall receive no remuneration in respect of his services. When any other person is appointed secretary, the committee may, with the previous sanction of the State Government, assign to him such remuneration as it may think fit.

Employment
of other officers
and servants.

38. (1) Subject to the provisions of this Act and the rules and bye-laws made thereunder, a committee may, and if so required by the State Government, shall, employ other officers and servants, and may assign to such officers and servants such remuneration as it may think fit, and may suspend, remove, dismiss, or otherwise punish any officer or servant so appointed.

(2) Nothing in this section shall prevent the State Government from making any provision in the rules under this Act for the reservation of appointments or posts and to lay down methods to secure such reservation in favour of members of the Scheduled Castes, the Scheduled Tribes and such other backward classes of citizens which in the opinion of the State Government are not adequately represented in the services under the municipal committee.

Dismissal of
servants of
the Government.

39. A person in the service of the Government who has been continuously employed by a committee from the date of the enforcement of the Punjab Municipal Act, 1911, and who is in the employment of the committee at the commencement of this Act shall not be dismissed from the employment without the sanction of the State Government.

3 of 1911.

Power to
demand
punishment
or dismissal.

40. If in the opinion of the State Government any officer or servant of the committee is negligent in the discharge of his duties, the committee shall, on the requirement of the State Government, suspend, fine, or otherwise punish him; and if in the opinion of the State Government he is unfit for his employment, the committee shall dismiss him.

Power to prevent
extravagance
in
establishments.

41. If, in the opinion of the Deputy Commissioner the number of persons employed by a committee as officers or servants, or whom the committee may propose to employ as such, or the remuneration assigned by the committee to those persons or any of them is excessive, the committee shall, on the requirement of the Deputy Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the State Government and the decision of the State Government on any such appeal shall be final.

42. (1) If an officer or servant of a committee is person in the service of the Government, the committee may—

Pensions, leave allowances and a provident fund.

- (a) if his services are wholly lent to it, make such contributions to his pension, gratuity, and leave allowances as may be required by the conditions of his service under the Government, to be paid by him or on his behalf; and
- (b) if he devotes only a part of his time to the performance of duties on behalf of the committee, contribute to his pension, gratuity and leave allowance in such proportion as may be determined by the State Government.

(2) If an officer or servant of a committee is not a person in the service of the Government, the committee may, subject to such conditions as the State Government may prescribe—

- (a) grant him leave, absentee or acting allowance; and
- (b) if his pay is less than sixty rupees a month, either permit him to contribute to a provident or annuity fund established under (c) or grant him a gratuity on retirement; and
- (c) if his pay is over sixty rupees a month, establish and maintain a Provident or annuity fund, and compel him to contribute thereto; and
- (d) where such a fund has not been established or where such a fund has been established but he has been contributing thereto for less than the whole of his service, grant him a gratuity or purchase or arrange for an annuity for him on his retirement.

(3) With the sanction of the State Government, the committee may give an extraordinary pension or gratuity—

- (a) to any officer or servant injured in the execution of his duty;
- (b) to the family of any officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty.

(4) A pension, gratuity or annuity shall not exceed the sum to which such officer or servant or his family would be entitled as if the service had been service under the Government.

43. (1) If a person serving or having served under a committee has been or is transferred from or to the service of the Government or is partly employed by the Government and partly by a committee, the committee shall make such contributions to his pension and leave allowances as may be required, by the conditions of his service under the Government, to be paid by him or on his behalf.

Pension, etc. in case of service partly under the Government and partly under committee.

(2) In the absence of a written contract to the contrary, the committee may dispense with the services of any such person by giving the Government concerned one month's previous notice.

44. (1) In the absence of a written contract to the contrary, every officer or servant employed by a committee, shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged during a period of probation or for misconduct or was engaged for a specified term and discharged at the end of it.

Notice before discharge.

(2) Should any officer or servant employed by a committee, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the committee, he shall be liable to forfeit a sum not exceeding one month's wages out of any wages due to him, and if no wages, or less than one month's wages, are due to him, he shall be liable to a penalty not exceeding wages for one month or an amount equal to the difference between one month's wages and the wages due to him, which shall be recoverable in the manner provided by section 83.

(3) Should any sweeper employed by a committee in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(4) The State Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-section (3) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.

CONTRACTS

Authority to contract.

45. (1) The committee of any municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering, on its behalf, into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or on behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of the committee.

Mode of executing contracts and transfer of property

46. (1) Every contract made by or on behalf of the committee of any municipality of the first class, whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class, whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immovable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee, whose execution thereof shall be attested by the secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

Penalty on member, officer or servant being interested in any contract made with a committee.

47. (1) If any member, officer or servant of a committee or of a joint-committee, without the previous permission in writing of the Deputy Commissioner, voluntarily renders himself interested in any contract made with that committee, or if within one month of his becoming interested in any such contract, he neither resigns nor obtains the permission in writing of the Deputy Commissioner for his remaining a member, officer or servant of the committee in spite of his interest in such contract, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

45 of 1860.

Provided that for the purposes of this sub-section, a person who has been elected but whose election has not been notified shall be deemed to be a member.

(2) No member, officer or servant of a committee or of a joint committee shall, by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee; but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contract.

PRIVILEGES AND LIABILITIES

48. No suit shall be instituted against a committee, or against any officer or servant of a committee, in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, delivered or left at its office, and in the case of an officer or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Suits against committee and its officers.

Provided that nothing in this section shall apply to any suit instituted under section 38 of the Specific Relief Act, 1963.

47 of 1963

49. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is reported by the Examiner of Local Fund Accounts or other audit authority empowered by the State Government in this behalf to be a direct consequence of his neglect or misconduct in the performance of his duties while a member of the committee; and he may, after being given an opportunity, by notice served in the manner provided for the service of summons in the Civil Procedure Code, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such money by the Deputy Commissioner and if the amount is not paid within fourteen days from the expiry of the period of appeal prescribed by sub-section (2), the Collector at the request of the Deputy Commissioner shall proceed forthwith to recover the amount as if it were an arrear of land revenue, and have it credited to the municipal fund.

Liability of members of the committee.

5 of 1908

(2) The person against whom an order under sub-section (1) is made, may, within thirty days of the notification of such order, appeal to the State Government who shall appoint an officer to hear the appeal; and the appellate authority shall have the power of confirming, modifying or disallowing the surcharge:

Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, waste or misapplication or after the expiry of one year from the time of his ceasing to be a member:

Provided further that nothing in this section shall be deemed to debar the aggrieved party from seeking a remedy in a civil court against an order made under sub-section (1).

CHAPTER IV

MUNICIPAL FUND AND PROPERTY

50. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

Constitution of municipal fund.

(a) all sums received by, or on behalf of, the committee under this Act or otherwise; and

Application
of fund.

- (b) the balance, if any, standing at the credit of the municipal fund of the municipality at the commencement of this Act.

51. (1) The committee shall set apart and apply out of the municipal fund—

- (a) firstly, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) secondly, such sum as the committee may be required by the State Government to contribute towards the cost of such Local Self-Government Board or Inspectorate as the State Government may establish, for the purpose of advising, assisting and supervising the work of municipal committees and other local bodies:

Provided that such sum shall not exceed an amount equal to one per cent of the income for the financial year preceding the year, in which the committee is called upon to make the contribution;

- (c) thirdly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 42 and 43;
- (d) fourthly, such sum as may be required to pay the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Central Government or the State Government as may be held by the State Government to be equitably payable by the committee in return for services rendered to it;
- (e) fifthly, such sum as the committee may be required by the State Government to contribute towards the maintenance of pauper lunatics or pauper lepers sent from any place in the State to mental hospitals or public asylums whether in or outside the State; and
- (f) sixthly, such sum as may be due to the State Government in respect of the cost of maintenance by the State Government, on behalf of the committee, of water-works, drainage, sewage or other works.

(2) Subject to the charges specified in sub-section (1) and to such rules as the State Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and, with the sanction of the State Government, outside the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of all public streets, bridges, town-walls, town-gates, embankments, drains, privies, latrines, urinals, tanks and water-courses and the preparation of compost manure;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, stalls, encamping grounds, pounds, and other works of public utility, and the control and administration of public institutions of any of these descriptions;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums, and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity;

- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees; and the establishment and maintenance of public parks and gardens;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;
- (j) the holding of fairs and industrial exhibitions;
- (k) the preparation and maintenance of a record-of-rights in immovable property; and
- (l) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the State Government, to be an appropriate charge on the municipal fund.

(3) Notwithstanding anything contained in the foregoing sub-sections, no charges or expenses shall be paid from the municipal fund incidental to any matter which has been specifically declared by the State Government, by general or special order, to be a matter in regard to which no expenditure shall be met from the municipal fund.

(4) Subject to the provisions of this Act and the rules and bye-laws made thereunder, it shall be the duty of the president and of any member presiding at any meeting of the committee or of a sub-committee to disallow the consideration or discussion of any matter for which provision is not made in this Act.

52. With the sanction of the State Government, a salary of such amount as the State Government may fix, may be paid to the president of a committee, not being a salaried servant of the Government, out of the municipal fund.

Payment of salary to president out of funds

53. (1) In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in such treasury, sub-treasury or bank.

Custody of municipal fund.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may, with the previous sanction of the Deputy Commissioner, be deposited with any banker, or person acting as a banker, and who has given such security for the safe custody and repayment on demand of the fund so deposited as the Deputy Commissioner may in each case think sufficient.

54. (1) A committee may, with the previous sanction of the Deputy Commissioner, invest any portion of its municipal fund in securities of the Central Government, or invest it in such other securities, or place it in such other manner, as the State Government may approve in this behalf, and vary such investment or placement for others of like nature.

Investment of municipal fund.

(2) The income resulting from such securities or placements and the proceeds of the sale of the same shall be credited to the municipal fund.

55. (1) Subject to any special reservation made, or to any special conditions imposed, by the State Government, all property of the nature hereinafter in this section specified and situated within the municipality, shall vest in, and be under the control of, the committee, and, with all other property which has already vested, or may hereafter vest, in the committee, shall be held and applied by it for the purposes of this Act, that is to say:—

Property vested in committee.

- (a) all public town-walls, gates, markets, stalls, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed or are maintained out of the municipal fund;

- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land, not being private property, appertaining to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, culverts and water courses in or under any public street, or constructed by or for the committee alongside any public street and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 151;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the committee by the Government or acquired by gift, purchase or otherwise for local public purposes;
- (g) all public streets, not being land owned by Government, and the pavements, stones and other materials thereof, and also trees growing on, and erections, materials, implements and things provided for, such streets.

(2) Where any immovable property is transferred otherwise than by sale by the State Government to a municipal committee for public purposes, it shall be deemed to be a condition of such transfer, unless specially provided to the contrary, that should the property be at any time resumed by Government, the compensation payable therefor shall, notwithstanding anything to the contrary in the Land Acquisition Act, 1894, in no case, exceed the amount, if any, paid to the Government for the transfer, together with the cost or the present value, whichever shall be less, of any buildings erected or other works executed on the land by the municipal committee.

(3) The committee shall maintain a register and a map of all immovable property of which it is the proprietor, or which vests in it, or which it holds in trust for the State Government.

Management
of public
institutions.

56. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee.

(2) When any public institution has been placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the State Government:

Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

Acquisition
of land.

57. When any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the State Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1894 and on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

1 of 1894.

6 of 1890.

1 of 1894.

Explanation.—When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

58. The committee may, with the sanction of the State Government, transfer to Government any property vesting in the committee under section 55 or section 56, but not so as to affect any trusts or public rights subject to which the property is held.

Transfer to Government of property vesting in committee.

59. Nothing in this Act shall affect the Local Authorities Loans Act, 1914.

Saving of Act, 9 of 1914.

CHAPTER V

TAXATION

60. Subject to any general or special orders which the State Government may make in this behalf, and to the rules, any committee may, from time to time for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes, namely:—

Taxes which may be imposed.

(1) (a) a tax payable by the owner, on buildings and lands—

(i) not exceeding twelve and-a-half per centum on the annual value;

(ii) not exceeding ten paise per square yard of the ground area; or

(iii) not exceeding four rupees per running foot of frontage in streets or bazars:

Provided that in the whole or any part of the municipality there may be imposed both a tax on buildings and a tax on land:

Provided further that in the case of lands and buildings occupied by tenants in perpetuity, the tax shall be payable by such tenants;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

Explanation.—A person in the service of the Government or person holding an office under the State Government or the Central Government or a local or other public authority shall be deemed to be practising a profession within the meaning of this sub-clause;

(c) a tax, payable by the owner, on all or any vehicles other than motor vehicles, animals used for riding, draught or burden, and dogs, when such vehicles, animals used as aforesaid and dogs are kept within the municipality;

(d) a tax, payable by the employer, on menial domestic servants;

(e) a tax, payable by the occupier of any building in respect of which the committee has, in exercise of the powers conferred by sections 161 to 167 of this Act, undertaken the house scavenging;

(f) a tax payable by persons presenting building applications to the committee:

Provided that a committee shall not impose any tax without the previous sanction of the State Government when—

(i) it consists of members less than three-fourths of whom have been elected; or

(ii) its cash balances have, at any time within the three months preceding the date of the passing of the resolution imposing the tax, fallen below Rs. 20,000 or one-tenth of the income accrued in the previous financial year whichever amount shall be less.

(2) Save as provided in the foregoing clause, with the previous sanction

of the State Government, any other tax which the Legislative Assembly of Himachal Pradesh has power to impose.

Nothing in this section shall authorise the imposition of any tax which the Legislative Assembly of Himachal Pradesh has no power to impose:

Provided that a committee which immediately before the commencement of the Constitution was lawfully levying any such tax under any provision of law corresponding to this section, as then in force, may continue to levy that tax until provision to the contrary is made by the Parliament.

Explanation.—In this section 'tax' includes any duty, cess or fee.

Procedure to
impose taxes.

61. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 60.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If the committee decides to amend its proposals or any of them, it shall publish amended proposals, along with a notice indicating that they are in modification of those previously published for objections.

(5) Any objections which may within thirty days be received to the amended proposals shall be dealt with in the manner prescribed in sub-section (3).

(6) When the committee, has finally settled its proposals, it shall, if the proposed tax falls under clauses (b) to (f) of sub-section (1) of section 60, direct that the tax be imposed, and shall forward a copy of its order to that effect, through the Deputy Commissioner, to the State Government and if the proposed tax falls under any other provision, it shall submit its proposals together with the objections, if any, made in connection therewith to the Deputy Commissioner.

(7) If the proposed tax falls under clause (a) of sub-section (1) of section 60, the Deputy Commissioner, after considering the objections received under sub-sections (3) and (5), may either refuse to sanction the proposals or return them to the committee for further consideration, or sanction them without modification or with such modification not involving an increase of the amount to be imposed, as he deems fit, forwarding to the State Government a copy of the proposals and his order of sanction; and if the tax falls under sub-section (2) of section 60, the Deputy Commissioner shall submit the proposals and objections with his recommendations to the State Government.

(8) The State Government on receiving proposals for taxation under sub-section (2), may sanction or refuse to sanction the same, or return them to the committee for further consideration.

(9) (a) When a copy of order under sub-section (6) or (7) has been received, or

(b) when a proposal has been sanctioned under sub-section (8), the State Government shall notify the imposition of the tax in accordance with such order or proposal, and shall in the notification specify a date not less than one month from the date of the notification, on which the tax shall come into force.

(10) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first

day of October in any year, and if it comes into force on any other than the first day of the year by which it is leviable shall be leviable by the quarter till the first day of such year then next ensuing.

(11) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

62. (1) The State Government may, by special or general order notified in the Official Gazette, require a committee to impose any tax mentioned in section 60, not already imposed, at such rate and within such period as may be specified in the notification and the committee shall thereupon act accordingly.

Power of Government in taxation.

(2) The State Government may require a committee to modify the rate of any tax already imposed and thereupon the committee shall modify the tax as required within such period as the State Government may direct.

(3) If the committee fails to carry out any order passed under sub-section (1) or (2), the State Government may, by a suitable order notified in the Official Gazette, impose or modify the tax. The order so passed shall operate as if it were a resolution duly passed by the committee and as if the proposal was sanctioned in accordance with the procedure contained in section 61.

PROCEDURE FOR ASSESSING IMMOVABLE PROPERTY

63. The committee shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared, containing—

Preparation of assessment list.

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the name of the owner and occupier, if known;
- (d) the annual value, area or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

64. When the assessment list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication and completion of assessment list.

65. (1) The committee shall, at the time of the publication of such an assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

Public notice of time fixed for revising assessment lists.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

66. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorised agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be

Settlement of list.

deemed to be the tax for the year commencing on the first day of January or first day of April next ensuing as the committee may determine, or in the case of a tax then imposed for the first time for the period between the date on which the tax comes into force and such first day of January or April, as the case may be.

(2) The list when amended under this section shall be deposited in the committee's office and shall there be open, during office hours, to all owners or occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Further
amendments
of assessment
list.

67. (1) The committee may, at any time, amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the committee or of the assessee, or in the case of a tax payable by the occupier, by a change in the tenancy, after giving notice to any person affected by the amendment, of a time, not less than one month from the date of service, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed, an opportunity of being heard in support of the same in person, or by authorised agent, as he may think fit.

New list need
not be pre-
pared every
year.

68. It shall be in the discretion of the committee to prepare for the whole or any part of the municipality a new assessment list every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the year following, giving to persons affected by such alterations the same notice of the valuation and assessment as if a new assessment list had been prepared.

GENERAL PROVISIONS

Tax not in-
valid for de-
fect of form.

69. No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment of tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Power of the
committee in
regard to
taxes.

70. (1) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax, any person who by reason of poverty may, in its opinion, be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) A committee, by a resolution passed at a special meeting and confirmed by the State Government, may—

(a) provide that all or any persons may be allowed to compound for taxes imposed under sub-clauses (c), (d) and (e) of clause (1) and under clause (2) of section 60;

(b) abolish, suspend or reduce in amount any tax imposed under the

foregoing sections; or

- (c) exempt in whole or in part from the payment of any such tax, any person or class of persons or any property or description of property.

71. (1) The State Government may by order exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Powers of the State Government in regard to taxes.

(2) If, at any time, it appears to the State Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the State Government, the State Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

72. (1) When any property assessed to a tax under clause (a) of clause (1) of section 60, which is payable by the year or by instalments, has remained un-occupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the committee shall remit the amount of the tax or of the instalment, as the case may be:

Remission of tax on unoccupied immovable property.

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month after the expiry of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

- (a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or
- (b) consists of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or
- (c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion, if any, of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section, neither the presence of a caretaker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section, a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

73. (1) Every person shall, on the demand of an officer duly authorised by the committee in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax; and every hotel or lodging-house keeper or secretary of a residential club shall also, on demand made as aforesaid, furnish a list of all persons residing in such hotel, lodging-house or club.

Duty of furnishing true information regarding liability to municipal taxation.

(2) If any person so called upon to furnish such information omits to do so or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Notice to be given to the committee of all transfers of title of persons primarily liable to payment of property tax.

74. (1) Whenever the title to or over any building or land of any person primarily liable for the payment of property taxes on such property is transferred, the transferer and the transferee shall, within three months of the registration of the deed of transfer if it be registered, or if it be not registered, within three months of its execution, or if no instrument be executed, of the actual transfer, give notice in writing of such transfer to the committee.

(2) Every person primarily liable for the payment of a tax on any property, who transfers his title to or over such property, without giving notice of such transfer to the committee as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the committee's books.

(3) Whenever the title to or over any building or land has devolved upon any person by inheritance, the heir shall, within three months of the date of the death of the former owner, give notice in writing of such inheritance to the committee.

(4) But nothing in this section shall be held to diminish the liability of the transferee or heir for the said taxes or to affect the prior claim of the committee for the recovery of the taxes due thereupon.

(5) Whoever contravenes the provisions of sub-sections (1) and (3) shall, in addition to any other penalty which he incurs through such neglect, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach continues.

Power of entry for the purposes of valuation or taxation.

75. The committee may authorise any person—

(a) after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land, at any time between sunrise and sunset, to enter, inspect and measure any building for the purpose of valuation;

(b) to enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which a licence has not been duly taken out.

Power to examine article liable to octroi.

76. Every person, bringing or receiving within the octroi or terminal limits of any municipality any article on which octroi or terminal tax is payable, shall when required by an officer duly authorised by the committee in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

Power to search where octroi is leviable.

77. (1) If any person, bringing or receiving conveyance or package within the octroi or terminal tax limits of a municipality on which octroi or terminal tax is or is believed to be leviable, shall refuse, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any article in respect of which octroi or terminal tax is payable or shall refuse to communicate to that officer any information and exhibit to him any bill, invoice or document

of a like nature which he may possess relating to the article, or with the intention of defrauding the committee or a lessee under section 86 shall communicate any such information which is false or exhibit any such bill, invoice or document of a like nature which is false, forged or fraudulent he shall be punishable with fine which may extend to fifty rupees.

(2) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without un-necessary delay before a member of the committee or the secretary or a magistrate who shall cause the inspection to be made in his presence.

78. If animals or articles passing the octroi or terminal tax boundary of a municipality are liable to the payment of octroi or terminal tax then every person who, with the intention to defraud the committee or a lessee under section 86, causes or abets the introduction of, or himself introduces or attempts to introduce within the said octroi or terminal tax boundary, any such animals or articles upon which payment of the octroi or terminal tax due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or terminal tax or to fifty rupees, whichever may be greater.

Power to fix octroi or terminal tax limits and penalty for evasion of octroi or terminal tax.

79. (1) When a committee, with the sanction of the State Government has agreed with a cantonment authority or the committee of an area notified under section 256 that in consideration of the payment of a lump sum or otherwise, the same limits for octroi or terminal tax or any toll or tax shall be established for the contracting parties, the committee may fix limits under section 198 so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or tax or octroi or terminal tax on animals or articles brought within such limits, and the provisions of this Act for the assessment and collection of such tax or toll or octroi or terminal tax shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

Extension of taxation limits by agreement.

(2) The total of the proceeds of such taxes or tolls made, in the joint areas of the municipality and cantonment or notified area and the cost thereby incurred, shall be apportioned between the municipal fund and the fund subject to the control of the cantonment authority or notified area in such proportion as shall have been determined by the agreement.

80. When terminal tax is leviable on animals or articles conveyed out of the terminal tax limits, the provisions of sections 76, 77, 78 and 79 shall be deemed, so far as may be, to apply in respect of the animals or articles so conveyed.

Taxation on articles exported.

81. Subject to the provisions of sub-sections (7) and (8) of section 61 and section 66, any tax imposed under this chapter and payable periodically shall be, payable on such dates and in such instalments, if any, as the committee, with the previous sanction of the Deputy Commissioner, may, from time to time, direct.

Taxes when payable.

82. (1) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

Recovery of taxes payable by owner.

(2) If the bill be not paid within ten days from the delivery thereof, the committee may cause a notice of demand to be served on the person liable to pay the same, and, if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient

cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act shall, subject to any claim on behalf of the Government, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

(4) If any tax or sum leviable under this Act from the owner is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Recovery of
taxes, etc.

83. (1) Any arrears of any tax, water rate, rent, fee or any other money claimable by a committee under this Act may be recovered on application to a magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may, for the time being, be resident, by the distress and sale of any movable property within the limits of his jurisdiction belonging to such person. The cost of such proceedings shall be recoverable from the defaulter in the same manner as the said arrears.

(2) An application made under sub-section (1) shall be in writing and shall be signed by the president, vice-president or secretary of the committee, but it shall not be necessary to present it in person.

Recovery of
water tax and
water rate as
arrears of
land revenue.

84. When a committee has made over to the State Government its water works for maintenance, any arrears of water tax or water rate or both due to the committee under this Act, may be recovered by the State Government on behalf of the committee as arrears of land revenue.

Recovery of
octroi tolls.

85. (1) In case of non-payment of any octroi or terminal tax or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi or terminal tax is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale may cause any property so seized, or so much thereof, as may be necessary to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse, of such shorter time as he may, having regard to the nature of the articles, think proper.

Power to
lease the
collection
of octroi
or tolls.

86. The collection of any octroi or terminal tax or toll may be leased by the committee, with previous sanction of the Deputy Commissioner for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or terminal tax or toll shall in respect thereof,—

(a) be bound by any orders made by the committee for their guidance;

- (b) have such powers exercisable by officers of a committee under this Act as the committee may, from time to time, confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or terminal tax or toll.

87. (1) An appeal against the assessment or levy of any tax or against the refusal to refund any tax under this Act shall lie to the Deputy commissioner or to such other officer as may be empowered by the State Government, in this behalf:

Appeals against taxation.

Provided that, when the Deputy Commissioner or such other officer as aforesaid, is or was when the tax was imposed, a member of the committee, the appeal shall lie to the State Government.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either on his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in this case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in section 113 and Order XLVI of the Code of Civil Procedure 1908.

(4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.

(6) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

88. (1) No appeal shall lie in respect of a tax on any land or building unless it is preferred within one month after the publication of the notice prescribed by section 66 or section 68 or after the date of any final order under section 69, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Limitation of appeal.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all other municipal taxes due from him to the committee upto the date of such appeal.

89. (1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

Taxation not to be questioned except under this Act.

(2) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules made thereunder.

CHAPTER VI

EXTINCTION AND PREVENTION OF FIRE

Establishment and maintenance of fire-brigade.

90. For the prevention and extinction of fire, the committee may, and, if the State Government so directs, shall, establish and maintain a fire-brigade, and provide implements, machinery or means of communicating intelligence for the efficient discharge of their duties by the brigade.

Power of fire-brigade and other persons for suppression of fires.

91. (1) On the occasion of a fire in a municipality, any magistrate, the secretary of the committee, any member of the committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and any police officer not below the rank of sub-inspector, may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through or pull down or cause to be broken into or through or pulled down any premises used for the passage of hoses or other appliances;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in-charge of any fire-engine to render such assistance as may be possible; and
- (f) generally, take such measures as may appear necessary for the preservation of life or property.

When any Government building is endangered by such a fire, the officer of the Public Works Department, for the time being, in-charge of the building may exercise the powers conferred on a magistrate by this sub-section.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.

Limitation on operation of this chapter.

92. The powers conferred by the foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rules.

CHAPTER VII

WATER SUPPLY

Provision of water.

93. (1) The committee may, and when the State Government so directs, shall, provide the area under its control or any part thereof with a supply of wholesome water sufficient for public and domestic purposes.

(2) For the purpose of providing such supply within the municipality, the committee shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary to be constructed or maintained, whether within or without the municipality; and shall erect sufficient stand pipes or other conveniences for the gratuitous supply of water to the public.

(3) When required by the Medical Officer of Health, the committee shall arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.

94. (1) The committee may, on application by the owner of any building, arrange for supplying water from the nearest main to the same for domestic purposes in such quantities as it deems reasonable and may, at any time, limit the amount of water to be so supplied whenever it considers it necessary.

Supply of water to connected premises.

(2) No additional charge shall be payable in respect of such supply in any municipality in which a water tax is levied, but for water supplied in excess of the quantity to which such supply is, under sub-section (1), limited, and in other municipalities for all water supplied under this section, payment shall be made at such rate as may be fixed by the committee with the approval of the State Government.

Explanation.—A supply of water for domestic purposes shall not be deemed to include a supply—

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;
- (b) for any trade, manufacture or business;
- (c) for fountains, swimming baths, or for any ornamental or mechanical purpose;
- (d) for gardens or for purposes of irrigation;
- (e) for watering roads and paths; and
- (f) for building purposes.

95. (1) The committee may supply water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

Supply of water for other than domestic purposes.

(2) For all water supplied under sub-section (1), payment shall be made at a rate not less than the rate prescribed under sub-section (2) of section 94.

(3) The committee may withdraw such supply at any time, if it should appear necessary to do so, in order to maintain a sufficient supply of water for domestic purposes.

96. (1) Where an application under section 94 or section 95 has been received, all necessary communication pipes and fittings shall be supplied by the committee and the work of laying and applying such communication pipes and fittings shall be executed by municipal agency under the committee's orders; but the cost of making any such connection and of all communication pipes and fittings so supplied and of works so executed, shall be paid by the owner or the person making such application. The committee may either provide a meter and charge rent for the same or may require the owner or applicant to provide a meter of such size, material and description as it shall approve.

Making connections with municipal water work.

(2) Notwithstanding anything in sub-section (1), the committee may require any owner or person, applying for a supply of water, to provide all communication pipes and fittings and to carry out at his own cost under its supervision and inspection all the work of laying and applying such communication pipes and fittings.

97. Any owner or occupier of any building or land, in or on which water supplied under this Act is misused from negligence or other circumstances under his control, or used without permission in excess of the quantity fixed under section 94 or section 95, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the committee may appoint in this behalf.

Obligation of owner or occupier to give notice of waste of water.

Cutting off
of supply to
premises.

98. If any person whose premises are supplied with water, neglects to pay the water-tax, or any sum payable under section 94 or section 95 when due, or to give notice as provided in the preceding section, or wilfully or negligently misuses or causes waste of water, the committee may cut off the supply of water from the said premises.

Powers of
the com-
mittee in
respect of
communica-
tions, etc.

99. For the purpose of providing or maintaining the water supply or of making or maintaining communications or connections with the mains, or generally for the purposes of this chapter, the committee shall have all powers which are conferred upon it in respect of drainage and the supply of gas by sections 131 to 139.

Power to
require
owners of
buildings to
provide sto-
rage reser-
voirs for
rain water
on their
premises.

100. (1) Whenever it appears to the committee or to the State Government to be desirable to require the owners of buildings or lands, situate within the limits of the whole or any part of a municipality to make suitable provision for the storage and conservation of rain-water for use in flushing drains and for any purposes other than for the purpose of being used as drinking water, such committee, if so required by the State Government, shall, and, in any other case, may, with the previous sanction of the State Government, by public notice, direct accordingly.

(2) Every notice given under sub-section (1) shall state,—

- (a) the extent of the local area within the limits of which the owners of buildings and lands are to make suitable provision for the storage of rain-water;
- (b) the manner in which the cubic capacity of the storage accommodation to be provided by such owners is to be fixed, that is, whether the extent of such capacity is to be regulated by reference to the area of the land, the size of the building, the number of occupants, or the estimated rental value thereof or by any two or more of these methods;
- (c) the design, materials, situation and construction of the reservoirs or other storage accommodation to be provided;
- (d) the mode of collecting, storing, preserving from pollution and in a pure state and using the rain-water to be collected and stored; and
- (e) the time within which the requirements of the notice are to be complied with.

Supervision
and inspec-
tion of works.

101. The committee may, and, if so required by the State Government, shall, make provision for the supervision of the construction, and for the inspection, of the storage reservoirs and all other works in any manner relating thereto or connected therewith, and may do all acts and things which may, from time to time, be necessary for the purpose of ensuring,—

- (a) that the storage reservoirs and other works, as aforesaid, are constructed and carried out, as the case may be, in accordance with the requirements of the notice given under the preceding section; and
- (b) that all such reservoirs and other works are of sufficient strength and durability and may cause any such reservoirs or other works as do not comply with the requirements of the notice or are unsuitable or insecure, to be removed and re-constructed or replaced to the satisfaction of the committee.

Repairs of
reservoirs.

102. The committee may, by notice, require the owner or occupier of any building or land in respect of which a reservoir for the storage and conservation of rain-water has been provided under section 100 to repair, alter or put in good condition the said reservoir.

CHAPTER VIII

POWER FOR SANITARY AND OTHER PURPOSES

BATHING AND WASHING PLACES

103. (1) The committee may set apart suitable places for the purposes of bathing and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use, and may charge fees for the use of such places by any specified class or classes of persons, or by the public generally.

Bathing and washing places.

(2) The committee may fix, by notice, places at which articles of clothing, bedding, or other articles which have been exposed to infection shall be washed, and no person shall wash any such article at any place not so fixed.

BURIAL AND BURNING PLACES

104. (1) The committee may, by public notice, order and, if so directed by the State Government, shall, within one month of the notification of such direction, be deemed to have ordered, any burial or burning ground situate within municipal limits or within one mile thereof which is certified by the Medical Officer of Health to be dangerous to the health of persons living in neighbourhood to be closed, from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers respect burial and burning places.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the commencement of this Act, except with the sanction in writing of the committee which shall not be granted unless the Medical Officer of Health has certified in writing for the information of the committee that such burial or burning ground is not prejudicial to public health:

Provided that no such burial or burning ground shall be made or formed, except with the sanction of the State Government.

(4) Should any person, without the permission of the committee, bury or burn, or cause or permit to be buried or burnt, any corpse at any place which is not a burial or burning ground or in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

105. (1) The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

(2) Whoever carries a corpse along a route prohibited by the committee, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

DANGEROUS ANIMALS

Disposal of
mad and
stray dogs
and other
animals.

106. (1) The committee may—

(a) authorise any person—

- (i) to destroy, or cause to be destroyed, or confine, or cause to be confined, for such period as the committee may direct, any dog or other animal suffering, or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid;
- (ii) to confine, or cause to be confined, any dog found wandering about streets or public places without collars or other marks distinguishing them as private property and charge of fee for such detention and destroy or otherwise dispose of any such dog if it is not claimed within one week, and the fee paid;
- (b) issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property, found straying on the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly. Public notice shall be given of any such order.

(2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

Suffering
dogs to be
at large.

107. Whoever, being the owner or person in-charge of any dog, neglects to restrain it so that it shall not be at large in any street without a muzzle—

- (a) if such dog is likely to annoy or intimidate passengers, or
 - (b) if the committee has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles,
- shall be punishable with fine which may extend to twenty rupees.

Control of
elephants,
bears or
camels.

108. Whoever, being in-charge of any elephant, bear or camel omits, on being requested to do so, to remove, as far as may be practicable, his elephant, bear or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Taking ele-
phants along
public roads.

109. Whoever, contrary to any orders of the committee, takes an elephant along a street, shall be punishable with fine which may extend to twenty rupees.

DANGEROUS OR INSANITARY BUILDINGS OR PLACES

Power to re-
quire build-
ings, wells,
tanks, etc.
to be
secured.

110. Should any building, or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood or to persons passing by, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same and should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

Building etc.
in dangerous
state.

111. Should any building, wall or structure, or anything affixed thereto, or any bank or tree be deemed by the committee to be in a ruinous state or in any way dangerous, or there be any fallen building or debris or other material which is unsightly or is likely to be in any way injurious to health, it may, by notice, require the owner thereof either to remove the same or to cause such repairs to be made to the building, wall, structure or bank, as the committee may consider necessary for the public safety, and should it appear to be necessary in order to prevent imminent danger, the committee

shall forthwith take such steps, at the expense of the owner, to avert the danger as may be necessary.

112. Should the owner, part-owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears to be necessary for sanitary purposes to do so, may, at any time by notice, direct the occupier of any building to lime-wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

Cleaning of filthy building or land.

113. The committee may, by notice, require the owner or occupier of any land on which cattle or other animals are habitually tethered to have the same properly paved or drained or both.

Paving or draining of cattle stands.

114. Should any building, or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or any sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the satisfaction of the committee, and no such owner or occupier shall inhabit such building or suffer it to be inhabited until the committee shall have informed, in writing, the owner or occupier that the prohibition has been withdrawn.

Power to prohibit use for human habitation of buildings unfit for such use.

115. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear noxious vegetation.

116. The committee may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof or are in any way offensive or injurious to health.

Power to require hedges and trees to be trimmed.

117. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which by reason of abandonment or disputed ownership or other cause has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

118. (1) If the Medical Officer of Health certifies that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner,—

Prohibition of cultivation, use of manure or irrigation injurious to health.

(a) in any place within the limits of any municipality, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood; or

(b) in any place within or beyond the limits of any municipality, is likely to contaminate the water-supply of such municipality or otherwise render it unfit for drinking purposes;

the committee may prohibit the cultivation of such crop, the use of such manure or the employment of the method of irrigation so reported to be

injurious, or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that if it is notified by the State Government that the cultivation of such crop, the use of such manure, or the employment of such method of irrigation is prohibited or conditions are imposed with respect thereto, the committee shall be deemed to have ordered such prohibition, or imposed such conditions, and shall issue notices in accordance with the notification:

Provided also that, when on any land to which such prohibition applies, the act prohibited has been practised during the five years next preceding the prohibition in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such prohibition.

(2) Should any person fail within six months from the date of its service to comply with a prohibitory notice issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day during which the offence is continued.

DANGEROUS OR OFFENSIVE TRADES

Regulation of
offensive and
dangerous
trade.

119. (1) No place within a municipality shall be used for any of the following purposes,—

- (a) melting tallow, dressing raw hides, boiling bones, offal or blood;
- (b) as a soap house, oil-boiling house, dyeing house or tannery;
- (c) as a brickfield, brick-kiln, charcoal-kiln, pottery or lime-kiln;
- (d) as any other manufactory, engine-house, store-house or place of business from which offensive or unwholesome smells, gases, noises or smoke arise; and
- (e) as a yard or depot for trade in unslaked lime, hay, straw, thatching grass, wood, charcoal or coal or other dangerously inflammable material; and
- (f) as a store-house for any explosive, or for petroleum or any inflammable oil or spirit;

except under a licence from the committee which shall be renewable annually:

Provided that no such licence shall be necessary in the case of any such premises which were used for any such purposes at the time the Punjab Municipal Act, 1891 and the Punjab Municipal Act, 1911 came into force, and were registered under any of those Acts and in the case of brickfields which were used at the time this Act came into force, but the owner or occupier of the brickfields so excepted shall register the same in a book to be kept by the committee for the purpose.

(2) The licence shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be the cause of annoyance, offence or danger to persons residing in, or frequenting, the immediate neighbourhood, or that the area should be for general reasons kept clear of the establishment of such business.

(3) The committee may charge any fees according to a scale to be approved by the Deputy Commissioner for such licences, and may impose such conditions in respect thereof, as it may think necessary. Among other conditions it may prescribe that any furnace used in connection with such trade shall, so far as practicable, consume its own smoke.

(4) The owner or occupier of any place registered under sub-section (1) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled, and shall not be renewed.

16 of 1891
3 of 1911

(5) whoever, without registration or without a licence, uses any place for any such purpose as is specified in this section or in contravention of the condition of any such licence, shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued.

120. (1) Within any municipality, no person shall use as factory any place which has not previously been so used without having obtained the consent of the committee.

Consent of committee to use of new factories.

(2) The consent of the committee may be given without condition or subject to the condition that the owner or user of the said factory shall provide adequate housing accommodation for labourers employed in the factory or for any proportion or class of such labourers:

Provided that the consent of the committee shall not be withheld for any reason except the refusal of such owner or user to comply with such conditions:

Provided further that if the committee neglect or omit to give their consent within a period of two months from the date of application, such consent shall be deemed to have been given without condition.

(3) Whoever commits a breach of the provisions of sub-sections (1) and (2) shall, on conviction, be punishable with a fine which may extend to one thousand rupees, and when the breach is a continuing one, with a further fine which may extend to one hundred rupees for every day, after the first, during which the breach continues.

121. (1) No exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus for the purpose of which inflammable films are used, and no public dramatic or circus performance or pantomime, shall be given in any municipality elsewhere than in premises for which a licence has been granted by the committee under this section.

Prohibition of cinematographs and dramatic performances except in licensed premises.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic or circus performance or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this section, or of any condition of a licence granted under this section, he shall be liable to a fine not exceeding two hundred rupees and in the case of a continuing offence, to a further fine of fifty rupees for each day during which the offence continues and the licence, if any, shall be liable to be revoked by the committee.

122. (1) Whenever it appears that any place registered or licensed under the preceding sections is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, and if so required by the State Government, shall, by notice, require the occupier thereof to discontinue the use of such place, or to effect such alterations, additions or improvements as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after any notice has been given under this section, uses such place or permits to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, or does not effect such alterations, additions or improvements, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding fifty rupees for every day during which the offence is continued.

Use of steam
whistles, etc.

123. (1) No person shall use or employ, in any factory or other place, any whistle or trumpet or any other mechanical contrivance which emits an offensive noise for the purpose of summoning or dismissing workmen or persons employed, nor shall any person by means of any contrivance increase the noise emitted in any such factory or place by the exhaust pipe of any engine, without the written permission of the committee, in granting which the committee may impose such conditions as it may deem proper, restricting the times at which such whistle or trumpet, or other contrivance may be used.

(2) The committee may on giving one month's notice revoke any permission given under sub-section (1).

(3) Whoever, in contravention of the provisions of this section, uses or employs any whistle, trumpet or other contrivance, shall be punishable with a fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day during which the offence is continued.

DRAINS AND PRIVIES

Provision of
drains, pri-
vies, etc.

124. (1) The committee may, by notice, require the owner of any building or land to provide, move or remove any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, or provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner, and of such pattern, as the committee may direct.

(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor of a privy, latrine or urinal opening on to any street or drain.

(4) The committee may, and when required by the State Government, shall, provide latrines and urinals for the use of public.

Repair and
closing of
drains, pri-
vies, latrines,
urinals and
cesspools.

125. (1) The committee may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain, privy, latrine, urinal, cesspool or receptacle for any filth or refuse, or to close any drain, privy, latrine, urinal or cesspool belonging thereto.

(2) The committee may, by notice, require any person who may construct any new drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or regulations or the provisions of this Act, or who may construct, rebuild or open any drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, latrine, urinal, cesspool or receptacle, or to make such alteration therein as it may think fit.

Unautho-
rised building
over drains,
etc.

126. The committee may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee, to pull down or otherwise deal with the same as it may think fit.

127. (1) The committee may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exist within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

Removal of latrines, etc. near any source of water supply.

(2) Whoever, without the permission of the committee, makes or keeps for a longer time than one week after notice under this section any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to fifty rupees, and, when a notice has been issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

128. Whoever, without the permission of the committee, causes or knowingly or negligently allows the contents of any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place or into any irrigation channel or any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Discharging sewerage.

129. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

130. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood:

Power to require removal of nuisance arising from tanks and the like.

Provided that if for the purpose of effecting any drainage under this section, it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

LAYING AND CONNECTING PIPES, SEWERS AND THE LIKE

131. The committee may carry any cable, wire, pipe, drain, sewer or channel of any kind, for the purpose of establishing telephonic or other similar communication or of carrying out and establishing or maintaining any system of lighting, drainage or sewerage, through, across, under, or over any road, street or place, laid out as or intended for a road or street, and, after giving reasonable notice in writing to the owner or occupier, into, through, across, under, over or up the side of any land or building whatsoever situated within the limits of the municipality, and for the purpose of the introduction, distribution or outfall of water or for the removal or outfall of sewage without such limits, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer, or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Power of committee to lay or carry wires, pipes, drains or sewers through private land, subject to payment of compensation for damage sustained, provided that no nuisance is created.

Provided that no nuisance more than is necessarily caused by the proper execution of the work is created by any such operation:

Provided further that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him and directly occasioned by the carrying out of any such operation.

Provision as to wires, pipes, drains or sewers laid or carried above surface of ground.

132. In the event of any cable, wire, pipe, drain, sewer, or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

Previous notice to be given.

133. Except in cases to which sections 217 and 219(c) relate, the committee shall cause not less than fourteen days' notice in writing to be given to the owner or occupier before commencing any operations under section 131.

Connection with main not to be made without permission of committee.

134. (1) No person shall, without the permission of the committee, at any time make, or cause to be made, any connection or communication with any cable, wire, pipe, ferrule, drain, sewer or channel constructed or maintained by or vested in the committee, for any purpose whatsoever.

(2) Any person acting in contravention of the terms of sub-section (1) shall be punishable with a fine not exceeding fifty rupees.

Connection may be made or required by the committee in the case of sewerage.

135. The committee may, at any time, establish any connection or communication from any water-main, drain or sewer to any premises, or may, by notice, require the owner of any such premises to establish any such connection or communication in such manner, and within such time, as the committee, by notice in that behalf, may prescribe, at the cost of such owner or occupier.

Power to prescribe size of ferrules and to establish meters and the like.

136. The committee may prescribe the size of the ferrules, to be used for the supply of gas, and may establish meters or other appliances for the purpose of testing the quantity or quality of any gas or electricity for the use of any person or business.

Communications and connections to be made subject to inspection by and to the satisfaction of the committee.

137. The ferrules, communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires, pipes, drains, sewers or channels into any house or land and the wires, pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases be executed subject to the inspection and to the satisfaction of the committee.

Rates and charges may be fixed.

138. The committee may, from time to time, fix the charges to be made for the establishment by them or through their agency of communications from and connections with mains or service cables, wires and pipes for the supply of lighting, telephonage or gas, and for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Troughs and pipes for rain-water.

139. (1) The committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land the committee may by notice in writing—

- (a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or part-owner of such buildings with such materials, and in such manner, as may be approved by the committee; and
- (b) require such paving to be kept in proper repair.

140. Whoever—

- (a) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of any infectious disease in any dwelling other than a public hospital; or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of any such disease therein; or, in default of such owner or occupier,
- (c) being the person in-charge of, or in attendance on, any person suffering from any such disease in such dwelling, and being cognizant of the existence of the disease therein,

Information to be given of cholera, small-pox, etc.

fails forthwith to give information, or knowingly gives false information to the Medical Officer of Health or to any other officer to whom the committee may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person, not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been, or would be, duly given.

141. (1) In any municipality when any person suffering from any infectious disease is found to be—

- (a) without proper lodging or accommodation; or
- (b) living in a *sarai*, hotel, boarding house or other public hostel; or
- (c) living in a room or house which he neither owns nor pays rent for, nor occupies as the guest or relative of any person who owns or pays rent for it; or
- (d) lodged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises;

Removal to hospital of patients suffering from infectious diseases.

the committee, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an assistant surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

(2) The committee shall, if required by the State Government, erect an infectious diseases hospital of such type and dimensions as the State Government shall deem expedient.

142. If the committee is of opinion that the cleansing or disinfecting of a building or any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same, or to destroy such article, in the manner and within the time prescribed in such notice.

Disinfection of buildings and articles.

Penalty for letting infected houses.

143. Every person knowingly letting a house or other building or part of a house or building in which any person has been suffering from an infectious disease, without having such house or other building or part thereof and all articles therein liable to retain infection, disinfected to the satisfaction of the committee, shall be liable to a penalty not exceeding two hundred rupees.

For the purpose of this section, a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

Provision of places and appliances for disinfection.

144. The committee may, and when the State Government so directs, shall:—

- (a) provide proper places, with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and
- (b) cause conveyances, clothings or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it; and
- (c) direct any clothing, bedding, or other articles likely to retain infection to be disinfected or destroyed, and shall give compensation for any articles destroyed under this sub-section.

Acts done by persons suffering from certain disorders.

145. Whoever while suffering from an infectious, contagious, or loathsome disorder:—

- (a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug; or
- (b) wilfully touches any such article, medicine or drug, when exposed for sale by others; or
- (c) takes any part in the business of washing or carrying soiled clothes; shall be punishable with fine which may extend to twenty rupees.

Keeping of animals so as to be injurious to health.

146. Whoever keeps any swine or other animals in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or so as to be injurious to the health of the inhabitants or of animals shall be punishable with fine which may extend to twenty rupees, and to fifty rupees for every such subsequent offence.

Feeding animals on deleterious substances.

147. whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Prohibition by committee of use of unwholesome water.

148. Should the committee, on the report of the Medical Officer of Health, consider that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any dangerous disease, it may:—

- (a) by public notice prohibit the removal or use of such water for drinking;
- (b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or
- (c) take such steps as it may, on the advice of the Medical Officer of Health, consider expedient to prevent the danger or spread of any such disease.

149. (1) Whoever sells, to the prejudice of any purchaser, any article of food or drink which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punishable with fine which may extend to one hundred rupees:

Penalty for selling food or drink not of the nature, substance or quality of the article demanded by the purchaser.

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say—

(a) where any matter or ingredient not injurious to health has been added to food or drink for the production or preparation of the same as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure or conceal the inferior quality thereof;

(b) where food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(2) In any prosecution under this section, it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser, having brought such article only for analysis, was not prejudiced by the sale:

954. Provided that this section shall not apply to those areas to which the Prevention of Food Adulteration Act, 1954 applies.

REMOVAL OF DISORDERLY PERSONS

150. (1) Whoever, in any street or public place within the municipality, begs importunately for alms, or exposes, or exhibits, with the object of exciting charity, any deformity, or disease, or any offensive sore or wound, shall be punishable with imprisonment of either description, which may extend to three months, or with a fine not exceeding fifty rupees, or with both, provided that:—

Soliciting alms.

(a) in the case of a first offence, the court may, if it thinks fit, instead of sentencing the convict to any punishment, release him after due admonition;

(b) in any case, the court may, if it is satisfied of the inability of the convict to earn a livelihood, owing to physical infirmity or debility, and if the person in-charge of any poor house in the municipality certifies that he is willing to receive him, direct that the convict be received into such poor house after being released on entering into a bond, with or without sureties, to appear and receive sentence, when called upon during such period, not exceeding three years as the court may direct.

1898. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable; and notwithstanding anything contained in this Act, a court may take cognizance of such an offence in the manner provided by section 190 of the Code of Criminal Procedure, 1898.

SCAVENGING AND HOUSE-SCAVENGING

151. The committee may fix places within or, with the approval of the District Magistrate, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matters.

152. Where the State Government so requires, it shall be the duty of the committee to subject all dung to the process of making compost manure.

Preparation of compost manure.

Power to
acquire, etc.

153. (1) Where the property in any dung vests in any person or class of persons other than the committee, the committee, required under the last preceding section, shall acquire, either permanently or for such period as it may deem fit, the rights or interests in the dung belonging to the aforesaid persons, on payment of such compensation as the committee may consider reasonable and may assess in the manner prescribed.

(2) Where any such dung is requisitioned or acquired under this section the amount of compensation payable shall be determined in the manner and in accordance with the principles enumerated below:—

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the committee and the person or persons as aforesaid shall appoint an arbitrator having knowledge of the price of the property or interest in the dung requisitioned or acquired;
- (c) at the commencement of the proceedings before the arbitrator, the committee and the person to be compensated shall state what, in their respective opinion, is the fair amount of compensation;
- (d) the arbitrator in making his award shall take into consideration the market value of the dung in the locality, the damage, if any, resulting from diminution of the profits accruing to the person or persons aforesaid and any other factor of a like nature;
- (e) save as otherwise hereinafter provided in this Act or the rules made thereunder, nothing in any other law for the time being in force, shall apply to arbitration under this section.

Right of
appeal and
revision.

154. (1) Any person aggrieved by an award made under section 153 may, within thirty days from the date of the communication to him of the award prefer an appeal in writing to the Deputy Commissioner of the district wherein the committee is situated.

(2) The Deputy Commissioner shall decide the appeal after sending for the records of the case from the committee and after giving the parties an opportunity of being heard and, if necessary, after making such further enquiry as he thinks fit either personally or through an officer subordinate to him.

(3) A further appeal shall lie to the State Government provided that when the award is confirmed by the Deputy Commissioner no such appeal shall lie.

(4) The State Government may, at any time, call for the record of any case pending before or disposed of by the Deputy Commissioner:

Provided that this power shall not be exercised by the State Government when an appeal has been preferred to it under sub-section (3):

Provided further that the State Government shall not under this sub-section pass an order revising or modifying an order affecting any person without giving such person an opportunity of being heard.

Jurisdiction
of civil courts
barred.

155. Notwithstanding anything contained in any other law for the time being in force, no civil court shall have jurisdiction to entertain or adjudicate in any suit, application or other proceedings relating to the right or interest to, or in the compensation referred to in sections 153 or 154 or the amount or appointment or the payment thereof or any matter connected therewith.

156. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, or pit, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Failure to remove offensive matter.

157. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place or into any irrigation channel or public sewer or public drain or into any drain communicating with an irrigation channel or a public sewer or public drain, shall be punishable with fine which may extend to fifty rupees.

Depositing of earth or material of any description on roads or into drains.

158. Whoever, in a public place within the limits of a municipality, spits in a place other than a drain or a receptacle provided by the committee for this purpose shall, on conviction by a magistrate of the first or second class, be punishable with fine which may extend to twenty rupees.

Spitting in places other than drains or receptacles provided.

159. Whoever permits any person under his control to whom the provisions of sections 82, 83 and 84 of the Indian Penal Code are applicable to commit a nuisance upon any street or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Nuisance by children and others.

160. The removal of filth, rubbish, ordure or other offensive matter from a privy, latrine, urinal, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

Definition of house-scavenging.

161. (1) Subject to the provisions hereinafter contained with respect to the customary rights of sweepers, the committee may, at any time, undertake the house-scavenging of any house or building on the application or with the consent of the occupier.

Undertaking by committee of house-scavenging generally.

(2) The committee may, by public notice, except in cases to which section 168 is applicable, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.

(3) The occupier of any house or building affected by the notice may, at any time, after the issue thereof, apply to the committee to exclude that house or building from the notice.

(4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may, by any such order, exclude such house or building from the notice.

(5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier, if any, and the purpose to which he applies the matter dealt with in house-scavenging.

162. Notwithstanding anything in the last foregoing section, the committee shall not, except in accordance with the provisions of this chapter—

Saving in favour of customary sweepers and agriculturists.

(a) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging;

- (b) without the consent of the occupier, undertake the house-scavenging of any house or building, occupied by an agriculturist who himself cultivates land within municipal limits or in a village co-terminous therewith.

Continuance of house-scavenging once undertaken by committee.

163. When once the committee has undertaken the house-scavenging of any house or building, under this chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building.

Obligation of committee to perform house-scavenging properly.

164. When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform the same properly, until it shall have relieved itself of the obligation by an order under section 161, sub-section (4).

Powers of municipal servants for house-scavenging purposes.

165. The servants of the committee employed in house-scavenging may, at all reasonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

Vesting in committee of collections from house-scavenging.

166. All matter removed by the servants of the committee in the course of house-scavenging shall belong to the committee.

Punishment of customary sweepers for negligence.

167. (1) Should a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a magistrate.

(2) The magistrate receiving such complaint shall hold an enquiry, and should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

(3) Should any sweeper, other than a customary sweeper, who is under contract to do the house-scavenging of a house or building, discontinue to do such house-scavenging without having given 14 days' notice to his employer or without reasonable cause, he shall, on conviction, be punishable with a fine which may extend to ten rupees.

Punishment of cultivators for failure to provide for proper house-scavenging.

168. (1) Should any person who himself or any member of whose family residing with him cultivates land within municipal limits or in a village within two miles from the municipal limits fail to provide for the proper house-scavenging of any house or building occupied by him within the limits of the municipality, the committee may complain to a magistrate.

(2) The magistrate receiving the complaint shall hold an enquiry, and should it appear to him that such person has not provided for the proper house-scavenging of the house or building, he may pass an order empowering

181. (1) The committee may grant permission in writing, on such conditions as it may deem fit for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission, to any person to,—

Power to permit occupation of public street and to remove obstruction.

- (a) place in front of any building any movable encroachment upon the ground level of any public street or over or on any sewer, drain or watercourse or any movable overhanging structure projecting into such public street at a point above the said ground level;
- (b) take up or alter the pavement or other materials for the fences or posts of any public street;
- (c) deposit or cause to be deposited building materials, goods for sale, or other articles on any public street; or
- (d) make any hole or excavation on, in or under any street, or remove materials from beneath any street, so as to cause risk of subsidence; or
- (e) erect or set up any fence, post, stall or scaffolding in any public street.

(2) Whoever does any of the acts mentioned in sub-section (1) without the written permission of the committee shall be punishable with fine which may extend to fifty rupees and the committee or the secretary of the committee or the Medical Officer of Health or any person authorised by the committee may,—

- (i) after reasonable opportunity has been given to the owner to remove his material and he has failed to do so, remove or cause to be removed by the police, or any other agency, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise and any such fence, post, stall or scaffolding; and
- (ii) take measures to restore the street to the condition it was in before any such alteration, excavation or damage.

(3) If the material specified in clause (i) of sub-section (2) has not been claimed by the owner within a fortnight of its having been deposited for safe custody by the committee, or if the owner shall fail to pay to the committee the actual cost of removal or deposit in safe custody, the committee may have the material sold by auction at the risk of the owner, and the balance of the proceeds of such sale shall after deduction of the expenditure incurred by the committee be paid to the owner, or if the owner cannot be found, or refuses to accept payment, the balance shall be kept in deposit by the committee, until claimed, at the risk of the person entitled thereto, and if no claim is made within two years, the committee may credit the amount to the municipal fund.

Explanation.—For the purposes of this section “movable encroachment” includes a seat or settee, and “movable overhanging structure” includes an awning of any material.

182. (1) Should any house, shop, wall or other building or part of a building project beyond the regular line of a street, either existing or determined for the future, or beyond the front of the building on either side thereof, the committee may, whenever such house, shop, wall or other building or part thereof, has been either entirely or in greater part taken down or burned down, or has fallen down, by notice require such building or part when being re-built to be set back to or towards the said regular line or the front of the adjoining building; and the portion of the land added

Power to regulate line of Buildings.

to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner of the building, or of the land thus vacated for any damage, he may sustain in consequence of his building or any part thereof being set back.

(2) The Committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

Special provisions regarding streets belonging to Government.

183. Notwithstanding anything contained in sections 180, 181 or 182, or in clause (u) of section 198, and subject to any general or special order that the State Government may make in this behalf, if any street is vested in the State Government,—

(a) the committee, shall not, in respect of such street, grant permission to do any act the doing of which without the written permission of the committee is punishable under section 180 or section 181 or allow any building to be set forward under the provisions of sub-section (2) of section 182, except with the sanction of the State Government which may be given in respect of a class of cases generally or in respect of a particular case;

(b) the committee shall, if so required by the State Government, exercise the power conferred upon it by sub-section (2) of section 180 or sub-section (2) of section 181 or sub-section (1) of section 182 or clause (u) of section 198 or any bye-law made in exercise of the power conferred by clause (u) of section 198 in respect of any encroachment or overhanging structure on or over such street or any materials, goods or articles of merchandise deposited on such street or fence, post, stall or scaffolding erected or set up in any such street or in respect of any building or part of a building which projects beyond the regular line of such street.

Removal or alteration of any balcony, projection or structure, etc. on payment of compensation.

184. The committee may, subject to the payment of reasonable compensation, by notice, require the owner or occupier of any building within a period of not less than six weeks, to be specified in such notice, to remove or alter any balcony, projection, structure or verandah, erected with the sanction of the committee, overhanging, projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

Power to attach brackets for lamps.

185. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Construction of stalls for displaced persons.

186. The committee may, and if so required by the State Government shall, construct stalls for displaced persons and shall lease them out to such persons on such conditions as the State Government may by general or special order specify.

Destroying direction-posts, lamp-posts, etc.

187. Whoever, without being authorised by the committee, defaces or disturbs any municipal direction-post, lamp-post or lamp or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.

Bill-sticking without permission.

188. (1) Whoever, without the consent of the owner or occupier or other person for the time being in charge, affixes any posting bill, notice, placard or other paper or means of advertisement against or upon any building, wall, tree, board, fence or pole or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pole, with chalk or paint

or in any other way whatsoever, shall be punishable with fine which may extend to twenty rupees.

(2) Notwithstanding anything contained in section 243, a court may take cognizance of an offence under sub-section (1) of this section upon the complaint of the owner or occupier or other person in-charge of the property in respect of which such offence is alleged to have been committed.

189. (1) The committee may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit;

Names of streets and numbers of buildings.

(2) Whoever shall destroy, pull down or deface any name or number, affixed to any street or building under this section, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

190. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting timber, wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

191. The committee may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the committee in writing; and the committee may, by written notice, require any person, who has disobeyed any such direction, to remove or alter the roofs or walls so made or renewed as it may think fit.

Roofs and external walls not to be made of inflammable materials.

192. (1) Whoever, without the permission of the committee, pickets animals or collects carts on any street, or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Picketing animals and collecting carts.

(2) Any animal found picketed, tethered or straying on any public street without the permission of the committee may be removed to a pound by any officer or servant of the committee or by a police officer.

193. (1) Whoever drives or propels any vehicle, not properly supplied with lights in any street during the period from half-an-hour after sunset to half-an-hour before sunrise, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

(2) Whoever, in driving, leading or propelling a vehicle along a street, fails without reasonable excuse—

(a) to keep to the left, or

(b) when he is passing a vehicle going in the same direction, to keep to the right of that vehicle;

shall be liable to fine which may extend to twenty rupees.

194. Whoever, in contravention of any general or special prohibition issued by the committee, without the permission of the committee, beats a drum or tomtom, blows a horn or trumpet or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty-five rupees.

Beating drums, etc.

Explanation I.—In the case of bands, each individual member of such band shall be punishable under this section.

Explanation. II—For the purposes of this section “instrument” shall include a gramophone, a wireless receiver, a loudspeaker or any electrically or mechanically operated instrument capable of producing loud noises.

Discharging
fire-arms,
etc.

195. Whoever discharges fire-arms or lets off fire-works, fire balloons or detonators, or engages in any game, in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Quarrying,
blasting, cut-
ting timber
or building.

196. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Powers to
levy fees at
fairs.

197. A committee may, with the previous sanction of the Deputy Commissioner, or if the Deputy Commissioner is a member of the committee, of the State Government, levy small fees from each person attending a fair on which the committee incurs expenditure under section 51 (2) (j) and from persons exposing goods for sale and all persons plying any occupation for gain (except water-carriers, scavengers and others employed in connection with the fair) for defraying the cost of sanitary arrangements, watch and ward and the like.

CHAPTER IX

BYE-LAWS

General bye-
laws.

198. A committee may, and shall if so required by the State Government by bye-law,—

- (a) render licences necessary for the proprietors or drivers of vehicles other than motor vehicles, or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licences and the conditions on which they are to be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels;
- (b) limit the rates which may be demanded for the hire of any carriage, cart, or other conveyance, or of animals hired to carry loads or persons, or for the services of persons hired to carry loads or to impel or carry such conveyances, and limit the loads which may be carried by any animal, or carriage, cart, or other conveyance, plying for hire, within the limits of the municipality:

Provided that no bye-law made under clause (a) or clause (b) by the committee of a municipality in which the Hackney Carriage Act 1879, is in force shall apply to any vehicle to which that Act applies:

Provided also that operations of any bye-law made under the provisions of clause (a) or clause (b) or of any rules made under the Hackney Carriage Act, 1879 may, with the sanction of the State Government, be extended to,—

- (i) any railway station,
- (ii) the whole or part of any road so far as such road is situated within ten miles of the limits of the municipality;
- (iii) the whole or any part of any road leading from the limits of any one municipality or notified area to the limits of any other municipality or notified area, if the distance

the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.

SLAUGHTER PLACES

169. (1) The committee may, and shall, when so required by the State Government, fix premises, with the approval of the Deputy Commissioner whether within or without the limits of the municipality, for the slaughter of animals for sale, or of any specified description of such animals, and may, with the like approval, grant and withdraw licences for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals for sale.

(2) When such premises have been fixed by the committee beyond municipal limits, it shall have the same power to make bye-laws for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such premises have been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Any person who slaughters for sale any animal at any place within a municipality other than one fixed by the committee under this section, if any places have been so fixed, shall be punishable with fine which may extend to twenty rupees.

170. (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in-charge thereof shall within twenty-four hours either,—

Disposal of dead animals.

(a) convey the carcass to a place, if any, fixed by the committee under section 151 for the disposal of the dead bodies of animals or to any place at least one mile beyond the limits of the municipality; or

(b) give notice of the death to the committee whereupon the committee shall cause the carcass to be disposed of.

(2) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the committee may charge such fee as the committee may, by public notice, have prescribed.

(3) For the purposes of this section, the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

(4) Any person bound to act in accordance with sub-section (1) of this section shall, if he fails so to act, be punishable with fine which may extend to ten rupees.

STREETS AND BUILDINGS

171. The committee,—

(a) may lay out and make a new public street and construct tunnels and other works subsidiary thereto;

(b) may widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street vested in the committee;

(c) may close temporarily any public street or any part thereof for any public purpose;

(d) may turn, divert, discontinue or close any public street so vested;

Powers in connection with streets.

- (e) may provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, improved, or the level or which has been raised or lowered by the committee under clauses (a) and (b) or by the State Government;
- (f) subject to the provisions of any rule prescribing the conditions on which property may be acquired by the committee, may acquire any land, along with the building thereon, which it deems necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred under the preceding clause; and
- (g) subject to the provisions of any rule prescribing the conditions on which property vesting in the committee may be transferred, may lease, sell or otherwise dispose of any property acquired by the committee under clause (f); or any land vesting in and used by the committee for a public street and no longer required therefor, and in so doing, may impose conditions regulating the removal and construction of buildings upon it and the uses to which such land may be put:

Provided that land owned by proprietors other than the Government shall become the absolute property of the committee after it has continuously vested in the committee for use as a public street for a period of twenty-five years; but that the possession of such land that ceases to be required for use as a public street before the expiry of twenty-five years from the time it became vested in the committee shall be transferred to the proprietor thereof, on payment by him of reasonable compensation to the committee for improvements of such land, and subject to such restrictions as the committee may impose on the future use of such land, and that should the proprietor be unable or unwilling to pay the amount of such compensation, the committee may, subject to such conditions as it may deem fit, sell the land, and shall pay to the owner the proceeds, if any, over and above the amount of such compensation, which shall be paid into the municipal fund, or may dispose of it in such manner as it may deem fit.

Power to require protection of streets during cutting down of trees, erection of buildings.

172. (1) No person shall cut down any tree or cut off a branch of any tree, or erect or demolish any building or part of a building or alter or repair the outside of any building, where such action is of a nature to cause obstruction, danger or annoyance, or risk of obstruction, danger, or annoyance to any person using a street, without the previous permission in writing of the committee.

(2) The committee may, at any time, by notice, require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further, at any time by notice, require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.

(3) Whoever contravenes the provisions of sub-section (1) or fails to comply with the terms of a notice under sub-section (2) shall be punishable with fine which may extend to fifty rupees and when the contravention or non-compliance is a continuing one, with a further fine which may extend to five rupees for every day after the first during which the contravention or non-compliance continues.

173. (1) No person shall lay out or make or commence to lay out or make a street without the sanction of the committee.

Notice to be given and sanction obtained before making a street.

(2) Every person who intends to lay out or make a street shall give notice in writing to the committee of such intention.

(3) Where a committee has issued an order under clause (b) of section 174, no notice under sub-section (2) shall be deemed to be valid until the particulars required under such order have been furnished to the satisfaction of the committee.

174. The committee may, within one month of the receipt of the notice required by sub-section (2) of section 173, issue,—

Order of committee on notice being given under section 173.

(a) an order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with; or

(b) an order requiring further particulars.

175. Within two months after the receipt of the notice required by sub-section (2) of section 173, the committee may refuse to sanction the proposed street, or may sanction it either absolutely or subject to such written directions as to level, metalling, paving, means of drainage, direction and width as the committee may deem fit to issue, and the person laying out or making such street shall comply with the sanction of the committee in every particular:

Sanction of committee with regard to new street.

Provided that should the committee neglect or omit for two months after the receipt of such notice, or if an order has been issued under clause (b) of section 174, fail within the period specified in such order, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed street absolutely.

176. Every sanction for the laying out or making of a street which shall be given, or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction. Should the laying out or making of the street not have been commenced within the said period of one year, the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Power of sanction.

Explanation.—A street shall be deemed to be made or laid out when it is demarcated on the ground by permanent boundary-marks.

177. Whoever begins, continues or completes the laying out or making of a street without giving the notice required by section 173, or in contravention of any written directions made under section 175, or of any bye-law or provision of this Act, shall be liable to a fine which may extend to five hundred rupees.

Penalty.

178. In any case where the committee considers that any land is being or has been laid out as a street without the notice required by section 173 having been given or in contravention of any written direction made by the committee under section 175, or of any bye-law or provision of this Act, the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary.

Notice to owner of land under street.

Power to require repairs of streets and to declare such streets public.

179. (1)(a) When the municipal committee consider that in any street other than a public street, or in any part of such street within the municipality, it is necessary, for the public health, convenience or safety, that any work should be done for the levelling, paving, metalling, flagging, channeling, draining, lighting or cleaning thereof, the municipal committee may, by written notice require the owner or owners of such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice; and

(b) Should the owner refuse or should he fail to carry out the work within the time specified, the committee may, by written notice, require the owners of the land or buildings, fronting, adjoining or abutting upon such street or part thereof to carry out the work in such manner and within such time as may be specified in the notice.

(2) If compliance with the terms of the notice issued under clause (b) of sub-section (1) is not effected within the time specified, the committee may, if it thinks fit, itself execute the work and may recover, under the provisions of section 83, the expenses incurred in doing so in such proportions as it may deem equitable from the owner of the street and the persons served with a notice under clause (b) of sub-section (1).

(3) After such work has been carried out by the persons served with a notice under clause (b) of sub-section (1) or as provided in sub-section (2) by the committee at the expense of such persons and the owner of the street, the street or part thereof, in which such work has been done, may, and on the requisition of the owner or owners of the major portion of the said street or part thereof, or on the requisition of a majority of the persons served with a notice under clause (b) of sub-section (1), shall be declared, by a public notice to be put up therein by the committee, to be a public street and shall vest in the committee.

(4) A committee may, at any time, by notice fixed up in any street or part thereof not maintainable by the committee, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or any one of several owners of such street or such part of a street lodges objection thereto at the municipal office, the municipal committee may, by notice in writing, put up in such street, or such part, declare the same to be a public street vested in the committee.

(5) This section shall not take effect in any municipality until it has been specially extended thereto by the State Government, of its own motion or at the request of the committee.

Punishment for immovable encroachment or overhanging structure over street.

180. (1) Whoever without the written permission of the committee makes any immovable encroachment on or under any street, on, over or under any sewer, or watercourse, or erects or re-erects any immovable overhanging structure projecting into a street at any point above the said ground level, shall be punishable with a fine which may extend to fifty rupees.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter, within a specified time not exceeding six weeks, such immovable encroachment or overhanging structure as aforesaid, and no compensation shall be claimable in respect of such removal or alteration:

Provided that if a period of more than three years has elapsed from the completion of the encroachment or overhanging structure, no prosecution shall lie under sub-section (1); nor shall such encroachment or overhanging structure be required to be removed or altered without payment of reasonable compensation.

between the said municipalities or notified areas does not exceed fifty miles, and the committees of the said municipalities or notified areas consent to the extension of such bye-laws;

- (c) provide for the proper registration of births, marriages and deaths, and for the taking of census;
- (d) fix, and, from time to time, vary, the number of persons who may occupy a building or part of a building, which is let in lodgings or occupied by members of more than one family, or which is situated within such congested bazar areas as may be specified in the bye-laws; and provide;
 - (i) for the registration and inspection of such buildings;
 - (ii) for the licensing of hotels and lodging-houses and for the fees payable for such licences and the conditions on which they may be granted or revoked;
 - (iii) for promoting cleanliness and ventilation in such buildings;
 - (iv) for the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out in such buildings;
 - (v) for the scavenging, removal and disposal of all rubbish, filth, night-soil, sullage or sewage in such buildings;
 - (vi) in the case of hotel, serai and lodging-house keepers and the secretaries of residential clubs for the maintenance of registers, in such form as the committee may prescribe, of visitors and lodgers; and
 - (vii) generally for the proper regulation of such buildings;
- (e) provide—
 - (i) for the inspection and proper regulation of encamping grounds, pounds, serais, bakeries, aerated-water factories, ice factories, dhobis' ghats, flour mills, foodgrain godowns, dispensing chemist's shops, slaughter-houses, and places licensed under section 119,
 - (ii) for the inspection and proper regulation of markets and stalls, for the preparation and exhibition of a price current and for fixing the fees, rents and other charges, to be levied in such markets and stalls,
 - (iii) for defining the standard weights and measures to be used in the municipality and for inspection of weights and measures under section 221,
 - (iv) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for the collection of fees under section 197,
 - (v) for controlling and regulating the use and management of burial and burning grounds,
 - (vi) for the supervision, regulation and protection from pollution of public wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipality,
 - (vii) for the licensing, inspection and proper regulation of theatres and other places of public resort, recreation or amusement,
 - (viii) for the inspection and proper regulation of channels which are supplied with water from any canal to which either the Punjab Minor Canals Act, 1905, or the Himachal Pradesh Minor Canals Act, 1955, applies;

- (f) require and regulate the appointment by owners of buildings or land in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder;
 - (g) where the collection of an octroi or terminal tax has been sanctioned, fix limits for the purpose of collecting the same, and may prescribe routes by which animals or articles or both which are subject to octroi or terminal tax may be imported into the municipality or exported therefrom;
 - (h) render licences necessary for using premises as stables, cow-houses or houses or enclosures for sheep, goats or swine, and regulate the grant and withdrawal of such licences;
 - (i) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control, regulate or prohibit the admission within the municipal limits for the purpose of sale of the flesh, other than cured or preserved meat, of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act, and may provide for the seizure, destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law;
 - (j) fix premises within the municipality in which the slaughter of animals of any particular kind, not for sale, shall be permitted, and prohibit, except, in case of necessity, such slaughter elsewhere within the municipality:
- Provided that no such bye-law shall apply to animals slaughtered for any religious purpose;
- (k) prohibit the letting off of fire-arms, fire-works, fire-balloons, bombs or detonators except (1) with the permission of the committee or of a municipal officer empowered to give such permission, (2) subject to such conditions as the committee may impose, and (3) on payment of such fees, if any, as may at any time have been fixed by the committee in that behalf;
 - (l) regulate the making and use of connections or communications between private houses and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the committee, under any of the provisions of this Act;
 - (m) regulate the collection, storage, preservation from pollution and use of rain-water, and the carrying out of the provisions of sections 93 to 102;
 - (n) regulate the posting of bills and advertisements, and the position, size, shape, and style of name-boards, sign-boards and sign-posts;
 - (o) provide for, regulate, require or prohibit the construction, pattern of construction, maintenance, and materials of boundary walls, hedges, and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the committee;
 - (p) regulate or prohibit any description of traffic in the streets and provide for the reduction of noise caused thereby;
 - (q) prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 119;

- (r) provide for the seizure and confiscation of ownerless animals straying within the limits of the municipality;
- (s) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing—
 - (i) provide for the imposition of an annual fee for such registration,
 - (ii) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the committee, and
 - (iii) provide that any dog, not registered and wearing such token, may, if found in any public place, be detained at a place to be set apart for the purpose, and will be liable to be destroyed or otherwise disposed of after a period to be specified in the bye-laws;
- (t) render licences necessary for hand carts employed for transport, or hawking articles for sale, and for the persons using such hand carts, and prescribe the conditions for the grant and revocation of such licences;
- (u) regulate the conditions on which and the periods for which permission may be given under sub-section (1) of section 180 and sub-section (1) of section 181, and provide for the levy of fees and rents for such permission;
- (v) provide for the registration, inspection and proper regulation of buildings ordinarily utilized for the residence or treatment of persons suffering from infectious diseases and for the limiting of the number of such persons who reside in such buildings or part of such buildings; and
- (w) generally provide for carrying out the purposes of this Act.

199. (1) No person shall erect or re-erect or commence to erect or re-erect any building without the sanction of the committee.

Prohibition of building without sanction.

(2) Every person who intends to erect or re-erect any building shall give notice in writing to the committee of such intention.

(3) A committee shall by bye-law—

- (a) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the committee;
- (b) require that with every such notice shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building, of such character, and with such details, as the bye-law may require;
- (c) where the building appears likely to be used as a factory, require the provision of adequate housing accommodation in connection therewith.

(4) Where bye-laws have been framed under this section no notice under sub-section (2) shall be considered to be valid until the information, if any, required by such bye-laws has been furnished to the satisfaction of the committee.

200. (1) The committee may, and if so required by the State Government shall, by bye-laws, regulate in respect of the erection or re-erection of any building within the municipality or part thereof—

Power of committee to make bye-laws as to erection or re-erection of buildings.

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, stair-cases, lifts, fire-places and chimneys;
- (b) the materials and method of construction and position of fire-places, chimneys, drains, latrines, privies, urinals and cess-pools;

- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;
- (e) the line of frontage where the building abuts on a street;
- (f) the number and height of the storeys of which the building may consist;
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials and method of construction to be used for godowns intended for the storage of foodgrains in excess of fifty maunds, in order to render them rat-proof;
- (i) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms;
- (j) the ventilation of rooms and the minimum dimensions of doors and windows;
- (k) the position and dimensions of projections beyond the outer face of any external wall of a building; and
- (l) the height of factory chimneys and the provision to be made for consumption of smoke arising from the combustible used in any fire-place or furnace in a factory.

(2) Notwithstanding anything contained in section 90, no person shall erect or re-erect any building in contravention of any bye-law made under sub-section (1).

Special provision for cases where bye-laws have not been made under section 199 (3).

201. In any case in which no bye-laws have been made under sub-section (3) of section 199, the committee may, within 14 days of the receipt of the notice required by sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made, and in such case the notice shall not be valid until such information has been furnished.

Building scheme.

202. (1) The committee may, and if so required by the Deputy Commissioner shall, within six months of the date of such requisition, draw up a building scheme for built areas, and a town planning scheme for unbuilt areas, which may, among other things, provide for the following matters, namely:—

- (a) the restriction of the erection or re-erection of buildings or any class of buildings in the whole or any part of the municipality, and of the use to which they may be put;
- (b) the prescription of a building line on either side or both sides of any street existing or proposed; and
- (c) the amount of land in such unbuilt area which shall be transferred to the committee for public purposes including use as public streets by owners of land either on payment of compensation or otherwise, provided that the total amount so transferred shall not exceed thirty-five per cent, and the amount transferred without payment shall not exceed twenty-five per cent, of any one owner's land within such unbuilt area.

(2) When a scheme has been drawn up under the provisions of sub-section (1), the committee shall give public notice of such scheme and shall at the same time intimate a date not less than thirty days from the date of such

notice by which any person may submit to the committee in writing any objection or suggestion with regard to such scheme which he may wish to make.

(3) The committee shall consider every objection or suggestion with regard to the scheme which may be received by the date intimated under the provisions of sub-section (2) and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up or as modified to the Deputy Commissioner, who may, if he thinks fit, return it to the committee for reconsideration and resubmission by a specified date; and the Deputy Commissioner shall submit the plans as forwarded, or as resubmitted, as the case may be, with his opinion, to the State Government, who may sanction such scheme or may refuse to sanction it, or may return it to the committee for reconsideration and resubmission by a specified date.

(4) If a committee fails to submit a scheme within six months of being required to do so under sub-section (1), or fails to resubmit a scheme by a specified date, when required to do so under sub-section (3), or resubmits a scheme which is not approved by the State Government, the Deputy Commissioner may draw up a scheme of which public notice shall be given by notification and by publication within the municipality together with an intimation of the date by which any person may submit in writing to the Deputy Commissioner any objection or suggestion which he may wish to make, and the Deputy Commissioner shall forward with his opinion any such objection or suggestion to the State Government and the State Government may sanction such scheme as originally notified or modified in consequence of any such objection or suggestion, as the State Government may think fit; and the cost of such scheme or such portion of the cost as the State Government may deem fit shall be defrayed from the municipal fund.

(5) When sanctioning a scheme the State Government may impose conditions for the submission of periodical reports on the progress of the scheme to the Deputy Commissioner or to the State Government, and for the inspection and supervision of the scheme by the State Government.

203. If under the provisions of any scheme sanctioned under section 202 the erection or re-erection of buildings in a specified area for a specified purpose is prohibited, any person who after such scheme is sanctioned uses any building for such purpose shall, unless it was used for this purpose before the scheme was sanctioned, on conviction by a magistrate, be liable to fine which may extend to five hundred rupees, and if after such conviction he continues to use such building for such purpose shall be liable to fine which may extend to fifty rupees for every day during which such use continues.

Punishment for erection or re-erection of a building on sanction of a building scheme under section 202.

204. (1) The committee shall refuse to sanction the erection or re-erection of any building in contravention of any bye-law made under sub-section (1) of section 200 or in contravention of any such scheme sanctioned under sub-section (3) or sub-section (4) of section 202, unless it be necessary to sanction the erection of a building in contravention of such scheme owing to the committee's inability to pay compensation as required by section 182 for the setting back of a building.

Powers of committee to sanction or refuse erection or re-erection of buildings.

(2) When the erection or re-erection of a building is likely, in the opinion of the committee, to interfere with the enforcement of a scheme proposed under section 202, the committee may refuse its sanction and in such case shall communicate its refusal in writing together with the grounds therefor, to the applicant within sixty days of the receipt of his application, and the

applicant may thereafter by written notice require the committee to proceed with the preparation of the proposed scheme with all possible speed. The application shall be deemed to have been sanctioned if an order of refusal is not passed by the committee within the time specified above, or if the proposed scheme has not received the sanction of the State Government within twelve months of the date of delivery of the applicant's written notice herein-before referred to:

Provided that should a resolution refusing such sanction be suspended under section 247, the period prescribed above shall commence to run afresh from the date of communication of final orders by the State Government under section 250.

Explanation.—A scheme shall be deemed to have been proposed under section 202 if a requisition for its preparation has been received by the committee from the Deputy Commissioner or if the preparation of the scheme is under the consideration of the committee.

(3) The committee may refuse to sanction the erection or re-erection of any building for any other reason, to be communicated in writing to the applicant, which it deems to be just and sufficient as affecting such building, or if the land, on which it is proposed to erect or re-erect such building, is vested in the Government or in the committee and the consent of the Government concerned or, as the case may be, of the committee has not been obtained, or if the title to the land is in dispute between such person and the committee or any Government.

(4) Subject to the provisions of sub-section (1), the committee may sanction the erection or re-erection of any building either absolutely or subject to such modifications in accordance with the bye-laws and rules as it may deem fit.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (3) but subject to the provisions of sub-section (2) of section 200 and sub-section (2) of this section, if the committee neglects or omits, within sixty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building, or within one hundred and twenty days, if the notice relates to a building on the same or part of the same site, on which sanction for the erection of a building has been refused within the previous twelve months, to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection shall, unless the land on which it is proposed to erect or re-erect such buildings belongs to or vests in the committee, be deemed to have been sanctioned, except insofar as it may contravene any bye-law, or any building or town planning scheme sanctioned under section 202:

Provided that should a resolution conveying or refusing such sanction be suspended under section 247, the period prescribed by clause (5) shall commence to run afresh from date of communication of final orders by the State Government under section 250:

Provided further that if not less than one-fifth of the members present vote against a resolution conveying sanction, the sanction shall be deemed not to have been conveyed until after the lapse of fourteen days from the passing of the resolution.

205. If at any time before the completion of a building of which the erection has been sanctioned under section 204 the committee finds that any modification of the sanctioned plan is necessary, the committee may, subject to compensation for any loss to which the owner may be put, direct that the building be modified accordingly.

Powers of committee to direct modification of a sanctioned plan of a building before its completion.

206. Every sanction for the erection or re-erection of any building which shall be given or be deemed to have been given by a committee, shall remain in force for one year only from the date of such sanction, or for such longer period as the committee may have allowed when conveying sanction under section 199. Should the erection or re-erection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the committee, the sanction shall be deemed to have lapsed, but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Lapse of sanction after one year from the date of such sanction.

207. Should a building be begun, erected or re-erected—

Penalty for disobedience.

- (a) without sanction as required by section 199 (1); or
- (b) without notice as required by section 199 (2); or
- (c) when sanction has been refused;

the committee may, by notice delivered to the owner within six months from the completion of the building, require the building to be altered or demolished as it may deem necessary within the period specified in such notice and should it be begun or erected—

- (d) in contravention of the terms of any sanction granted; or
- (e) when the sanction has lapsed; or
- (f) in contravention of any bye-law made under section 200; or, in the case of a building of which the erection has been deemed to be sanctioned under section 204 (5), if it contravenes any scheme sanctioned under section 202;

the committee may, by notice to be delivered to the owner within six months from the completion of the building require the building to be altered in such manner as it may deem necessary, within the period specified in such notice:

Provided that the committee may, instead of requiring the alteration or demolition of any such building, accept by way of compensation such sum as it may deem reasonable:

Provided also that the committee shall require a building to be demolished or altered so far as is necessary to avoid contravention of a building scheme drawn up under section 202.

208. (1) Where a building is begun as described in section 207 but not completed, the committee may, by notice, to be delivered to the owner within six months from the commencement of the building, or from the contravention of the terms of any sanction, or any bye-law framed under section 200, as the case may be, require the building operations to be discontinued from the date of the service of such notice.

Power of committee to stop building operations.

(2) Any person failing to comply with the terms of such notice shall be punishable with fine which may extend to one thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to fifty rupees for every day after the first during which the non-compliance continues.

Compensation.

209. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of erection of any building.

(2) The committee shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in-so-far as the prohibition is necessary under any bye-law:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back, unless for a period of three years or more immediately preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 114 has been and still is in force in respect of such building.

Power of committee to regulate the manufacture, preparation and sale of food and drink.

210. The committee, may, and shall, if so required by the State Government, by bye-law—

- (a) prohibit the manufacture, sale or preparation or exposure for sale, of any specified articles of food or drink, in any place or premises not licensed by the committee;
- (b) regulate the hours and manner of transport within the municipality of any specified articles of food or drink, and prescribe the route by which such articles shall be carried;
- (c) prohibit the sale of milk, butter, ghee, curd, meat, game, fish and poultry by persons not licensed by the committee;
- (d) prohibit the import into the municipality for sale of milk, cream, butter, ghee, curd, meat, game, fish and poultry by persons not licensed by the committee; and
- (e) make regulations for the grant and withdrawal of licences and the levying of fees therefor under this section:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) of this section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are, at the time of the making of such bye-law, used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for such sale, or such sale in such premises:

Provided further that nothing herein contained shall affect the operation of section 43 of the Punjab Laws Act, 1872, and the rules made thereunder.

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Prohibition of possession or sale of wild birds and animals.

211. No wild bird or animal in respect of which any close time has been notified by the State Government under any law for the time being in force shall whether dead or alive be possessed or sold during such close time within any municipality; and no such bird or animal shall at any other time be sold within any municipality except under an annual licence to be granted by the committee: provided that these prohibitions shall not extend to wild birds or animals possessed or sold as pets.

Additional power to make bye-laws.

212. A committee may further make bye-laws—

- (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of water supply, the preservation of the soil, the prevention of land-slips or of the formation

of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

- (b) for fixing places where timber or wood of any description may be stacked, and for regulating the manner in which such timber or wood, as the case may be, may be stacked, where such regulation appears to the committee to be necessary for the prevention of fire or other danger or grave inconvenience to the public or of landslips or other injurious disturbance of the surface of any land;
- (c) for persons working as job porters for the municipality—
 - (i) for persons working as job porters for the conveyance of goods;
 - (ii) for animals or carriages let out on hire for a day or part thereof; and
 - (iii) for persons impelling or carrying carriages;
- (d) for fixing the fees payable for such licences as are referred to in this section, and the conditions on which such licences are to be granted and may be revoked.

213. (1) In making any bye-law under any section of this chapter, the committee may direct that a breach or an abetment of a breach of it, shall be punishable with fine which may extend to five hundred rupees, and, when the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach continues.

Penalty for infringement of bye-laws.

(2) In lieu of or in addition to such fine, the magistrate may require the offender to remedy the mischief so far as is within his power.

214. All bye-laws made under this Act shall be subject to previous publication.

Procedure for making bye-laws.

215. (1) No bye-law made, under any section of this chapter shall come into force until it has been confirmed by the State Government and, published for such time and in such manner as the State Government may prescribe in this behalf.

Confirmation of bye-laws.

(2) The State Government may cancel its confirmation of any such bye-laws, and thereupon the bye-laws shall cease to have effect.

216. (1) A copy of all bye-laws made under this Act for any municipality shall be kept at the committee's office, and shall be open during office hours without charge to the inspection of any inhabitant.

Bye-laws to be available for purchase and inspection.

(2) Copies of all such bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

CHAPTER X OF PROCEDURE

POWERS OF ENTRY AND INSPECTION

217. (1) The committee may authorise any person to enter, between sunrise and sunset, into any building or upon any land and to inspect any drain, privy, latrine, urinal, cesspool, cable, wire, pipes, sewer or channel therein, or thereon, and to cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies, latrines, urinals, cesspools, cables, wires, pipes, sewers, or channels.

Inspection of drains, privies and cesspools.

(2) If, on such inspection; it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any,

opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

(3) No building other than a latrine, urinal or privy shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorised by the committee to make the entry.

Inspection of buildings, etc.

218. (1) The committee may authorise any person after giving three hours' notice to the occupier, or, if there be no occupier, to the owner of any building, to enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons.

(2) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

Other powers of entry in buildings or lands.

219. The committee may authorise any person, after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset—

- (a) to enter on and to survey, and to take levels or measurements of, any buildings or land;
- (b) to enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or to maintain;
- (c) to enter into any building or on any land for the purpose of inspecting or repairing gas, water, telephonic, electric or other installations and for taking readings of meters connected therewith;
- (d) to enter into any building or on any land for the purpose of ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given by the committee or of any bye-laws made under section 200 or of any scheme sanctioned under section 202 and to take such measurements and do any other such acts as may be necessary for such purpose.

Power to inspect places for sale of food or drink etc., and to seize unwholesome articles exposed for sale.

220. The committee may authorise any person at all reasonable times to enter into and to inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and to inspect and examine any food or drink, animal or drug, which may be therein; and, if any article of food or drink, or any animal therein appears to be intended for the consumption of man to be unfit therefor, may seize and remove the same or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption:

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, to remove the same, giving a receipt therefor, and to cause the owner thereof to be brought before a magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

Inspection of weights and measures and seizure of false weights etc.

221. (1) The committee, by any person authorised by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of any goods, food, drink or drug, and may inspect any instruments for weighing, weights or measures found therein and test the same with other weights and measures, and may seize

any such instruments for weighing, weights or measures which the person so authorised reasonably believes to be false or not in accordance with bye-laws made by the committee under section 198 (e) (iii), and may take the same to be examined or tested by the officer appointed for the purpose.

(2) Every person for the time being in charge of or employed in such market, building, shop, stall or place shall, if so requested by the person making such inspection, produce for such inspection and comparison all instruments for weighing, weights and measures kept therein.

222. If there are reasonable grounds for believing that any animal has been, is being, or is about to be, slaughtered in any place or premises not fixed for such purpose under section 169 or in contravention of any bye-law made under section 198 (e) (i), the committee by any person authorised by it in this behalf may, at all reasonable times, enter into and inspect any such place or premises:

Inspection of places for illicit slaughter of animals.

Provided that no entry shall be made under the provisions of this section without an order in writing from the president or from the Medical Officer of Health. Such order shall specify the place or premises to be entered and the locality in which the same is situate and the period which shall not exceed seven days for which it is to remain in force.

223. Whoever, in contravention of section 219 or section 220 or section 221 or section 222, or section 225, refuses to suffer inspection of any premises, food, drink, drug, animals, weights measures or instruments for weighing, or in contravention of section 221, sub-section (2), refuses to produce any weights, measures or instruments for weighing to which has access, shall be punishable with fine which may extend to two hundred rupees.

Refusal to suffer inspection under sections 219 to 222.

224. (1) The committee may authorise any person to enter upon, at any reasonable time, and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.

Search for inflammable or explosive material in excess of authorised quantity.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a magistrate may pass with respect to it.

(3) If the magistrate decides that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material confiscated may be sold by order of the magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

225. (1) The Medical Officer of Health or any other officer authorised by the committee may enter, at any time, after three hours' notice into any building or premises in which any infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises.

Power of entry for purpose of preventing spread of disease.

(2) No such inspection shall be made except in the hours between sunrise and sunset.

General explanation.

226. The committee may authorise persons to exercise the powers of entry conferred by the foregoing sections of this chapter either generally in regard to all buildings and land or particularly in regard to specified buildings and land or classes of buildings and land.

Precautions to be observed in entering dwellings.

227. When any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and reasonable facility shall be afforded to her for withdrawing.

NOTICE AND CONSEQUENCES OF NON-COMPLIANCE

Reasonable time for compliance to be fixed.

228. When any notice under this Act, requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

Authentication, service and validity of notices.

229. (1) Every notice issued by a committee under this Act or under any rule or bye-law shall be in writing, signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committee specially authorised by the committee in that behalf, and every such notice and every order made under section 204 may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business:

Provided that such notice may be signed by the Medical Officer of Health when it is issued by the committee under any section of this Act under which power may be delegated to the Medical Officer of Health under subsection (b) of section 32 and has been so delegated.

(2) When the place of abode or business of the person to whom notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule or bye-law thereunder shall be invalid for defect of form.

Service when owner and occupier are different persons.

230. Whenever it is provided by this Act that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

Mode of giving notice to owner or occupier of property.

231. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be

delivered, by affixing it to some conspicuous part of the property;
or

- (b) by putting into the post a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

232. Every public notice given by a committee under this Act or any rule or bye-law thereunder shall be published by proclamation or in such other manner as the State Government may, by rule, direct.

Publication
of public
notices.

233. Whoever disobeys any lawful direction or prohibition given by the committee by public notice under this Act or any written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Penalty for
disobedience
of orders of
committee.

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

234. Every person convicted of an offence under this Act, on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the magistrate before whom he was so convicted, to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission.

Compensa-
tion for
damage.

235. Whenever the terms of any notice have not been complied with, the committee may, after six hours' notice, by its officers, cause the act to be done.

Power of
committee in
the event of
non-com-
pliance.

236. Any person wilfully obstructing the committee, or any officer or servant of the committee, or any person authorised by the committee, in the exercise of the powers conferred by this Act, shall be punishable with fine which may extend to one hundred rupees.

Penalty for
obstruction.

237. (1) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost of the work from the person in default.

Recovery of
costs of ex-
ecution.

(2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner:

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on, the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit or on application to a magistrate having jurisdiction within the municipality, by distress and sale of the movable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

(6) Where under section 110 or section 111 the committee has executed any work, the cost thereof may be recovered from the owner or occupier in connection with work done under section 110, and from the owner in connection with work done under section 111, in the manner herein provided for the recovery of the cost of work from a defaulting owner or occupier and subject to the provisions herein contained.

Relief to agents and trustees.

238. (1) When any person, by reason of his receiving, or being entitled to receive the rent of immovable property as agent or trustee of a person or society, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hand funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the fact entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the committee may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

PAYMENT OF COMPENSATION BY THE COMMITTEE

Payment of compensation.

239. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the damage was caused by the negligence of the committee, its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Should any dispute, for the settlement of which no express provision is made by any other section, arise touching the amount of any compensation which the committee is by this Act required to pay or empowered to receive for injury to or in respect of any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.

APPEALS FROM ORDERS, ETC.

240. (1) Any person aggrieved—

- (a) by the refusal of a committee under section 204 to sanction the erection or re-erection of a building, or
- (b) by a notice from a committee under section 179 requiring a street to be drained, levelled, paved, flagged, metalled or provided with proper means of lighting, or declaring a street to be a public street or under section 207 requiring the alteration or demolition of a building, or
- (c) by any order made by a committee under the powers conferred upon it by sections 104, 114, 119, 122 or 123,

Appeals from orders of committee.

may appeal within thirty days, from the date of such prohibition, notice or order to such officer as the State Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Deputy Commissioner; and no such refusal, notice or order shall be liable to be called in question otherwise than by such appeal.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the refusal, notice or order appealed from shall be final:

Provided that the refusal, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

241. When any order of the kind specified in section 104, section 122 and section 233 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience, thereto shall not be deemed to be an offence.

Prosecution to be suspended in certain cases.

242. Every order of forfeiture under section 167 and every order under section 168 or section 224 shall be subject to appeal to the next superior court, but shall not be otherwise open to appeal.

Appeals from certain orders.

OFFENCES AND PROSECUTIONS

243. Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or any bye-law thereunder, except on the complaint of, or upon information received from the committee or some person authorised by the committee in this behalf.

Authority of prosecution.

Explanation.—The committee may authorise any person and shall be deemed to have authorised any person appointed to this end by the State Government, to make complaints or give information, without previous reference to the committee, either generally in regard to all offences against this Act and the rules or bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class. The person authorised may be authorised by office, if he is president, vice-president, Medical Officer of Health or secretary of the committee, or officer in charge of a police station; in other case the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the committee.

Power to compound offences.

244. (1) The committee or, with the authorisation of the committee, its president, vice-president, Medical Officer of Health or secretary or any sub-committee thereof, may accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law, a sum of money by way of composition for such offence.

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Authorisation under sub-section (1) to accept composition for alleged offences may be given by the committee either generally in regard to all offences under this Act and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may, at any time, be withdrawn by the committee.

(5) If the committee has not authorised any of the officers specified in sub-section (1), it shall, if so required by the Deputy Commissioner, give such authorisation to any of the officers specified in sub-section (1), and shall not withdraw authorisation given on such requisition without the sanction of the Deputy Commissioner.

Member not to be deemed interested in prosecution.

245. No judge or magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law, or under any other law, within the meaning of section 556 of the Code of Criminal Procedure, 1898, by reason only that he is a member of the committee by the order, or under the authority of which it has been instituted.

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CHAPTER XI

CONTROL

Control by Deputy Commissioner.

246. (1) The Deputy Commissioner or any official not below the rank of Extra-Assistant Commissioner authorised in writing by him or any person empowered by the State Government in this behalf, by a general or special order, may—

(a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immovable property occupied by any committee or joint committee, or any work in progress under its direction;

(b) by order in writing addressed to the secretary, call for and inspect or cause to be inspected any book or document in the possession or under the control of any committee or joint committee and the member or servant of the committee in possession of such book or document shall immediately place such book or document at the disposal of the secretary, who shall immediately comply with such order and shall immediately inform the president of the requisition. He shall also bring the matter to the notice of the committee at its meeting next following;

(c) by order in writing addressed to the secretary require any such committee or joint committee to furnish within a specified period such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for;

(d) inquire generally into the affairs of a committee or joint committee with a view to ascertaining whether a municipality is being satis-

factorily administered, and for the purposes of such inquiry make use of any property of the committee, and of the powers mentioned in clauses (a), (b) and (c), and the members, officers, and servants of the committee shall render such assistance in the inquiry as may be deemed necessary.

Explanation.—Any person so empowered shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The Deputy Commissioner may record in writing for the consideration of any such committee or joint committee any observations that he may think proper in regard to the proceedings or duties of the committee.

(3) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the State Government may direct.

247. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a committee, or joint committee or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Act, or in pursuance of any sanction or permission granted by the committee in the exercise of its powers under the Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law or contrary to the interests of the public or likely to cause waste or damage of municipal funds or property, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, to encourage lawlessness or to cause injury or annoyance to the public or to any class or body of persons.

Powers to suspend any resolution or order of committee.

248. (1) In case of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

Extraordinary power of Deputy Commissioner in cases of emergency.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may, from time to time, be possible, from that balance, in priority to all other charges against the same.

249. (1) When the Deputy Commissioner, after due enquiry is satisfied that a committee has made default in performing any duty imposed upon it by this Act, or by any order or rule under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid, within such time as he may fix, by the committee.

Power to provide for performance of duties in case of default of committee.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may, from time to time, be possible, from that balance, in priority to all other charges against the same.

250. When the Deputy Commissioner makes any order under section 247, section 248 or section 249 he shall forthwith forward to the State Government a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the State Government may thereupon confirm, modify or rescind the order.

Action of Deputy Commissioner to be immediately reported.

Power of
State Go-
vernment and
its officers
over com-
mittees.

251. (1) The State Government and Deputy Commissioners, acting under the orders of the State Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under any enactment for the time being applicable to Himachal Pradesh generally or the areas over which the committees have authority.

(2) The State Government may exercise all powers necessary for the performance of this duty, and may among other things by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons which would, in its opinion, justify an order by the Deputy Commissioner under section 247.

(3) The Deputy Commissioner may, within his jurisdiction for the same purpose, exercise such powers as may be conferred upon him by rule made in this behalf by the State Government.

General
powers of
State Go-
vernment
over officers.

252. Notwithstanding anything contained in this Act, the State Government shall have the power of reversing or modifying any order of any officer of the State Government passed or purporting to have been passed under this Act, if it considers it to be not in accordance with the said Act or the rules or to be for any reason inexpedient, and generally for carrying out the purposes of this Act, the State Government shall exercise over its officers all powers of superintendence, direction and control.

Power of
State Go-
vernment to
supersede
committee in
case of in-
competency,
persistent
default or
abuse of
powers.

253. (1) Should a committee be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the State Government may, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that before taking action under this sub-section, a reasonable opportunity to explain its position shall be given to the committee concerned.

(2) When a committee is so superseded, the following consequences shall ensue:—

- (a) all members of the committee shall, from the date of the notification, vacate their seats;
- (b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such persons as the State Government may appoint in that behalf;
- (c) all property vested in the committee shall, until the committee is reconstituted, vest in the State Government.

(3) The State Government may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.

Disputes.

254. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and any other local authority or cantonment authority, the matter shall be referred—

- (a) to the Deputy Commissioner, if the local authorities concerned are in the same district;
- (b) to the State Government if the local authorities concerned are in different districts.

(2) The decision of the authority to which any dispute is referred under this section shall be final:

Provided that where a dispute referred to the State Government under clause (b) of sub-section (1) is between a committee and a cantonment

authority, the decision of the State Government shall be subject to the concurrence of the Central Government.

(3) If, in the case mentioned in clause (a), of sub-section (1), the Deputy Commissioner is a member of one of the local authorities concerned, his functions under this section shall be discharged by the State Government.

255. (1) The State Government may frame forms for any proceeding of a committee and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power, may make rules—

Power of the State Government to frame form and make rules.

- (a) with respect to the powers and duties of committees in municipalities of the first and second class, respectively;
- (b) as to the division of municipalities into wards, or of the inhabitants into classes, or both;
- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;
- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) regulating the procedure for elections under this Act, the contribution towards election expenses by candidates, the deposit of security by candidates and the conditions of forfeiture of such deposits;
- (h) fixing the term of office of members of committees;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (j) as to the priority to be given to the several duties of the committee;
- (k) as to the authority on which money may be paid from the municipal fund, and as to the management and regulation of provident funds established under section 42;
- (l) as to the appointment, promotion, suspension, reduction, fining and dismissal of municipal watchmen;
- (m) as to the formation and working of municipal fire-brigades; and the provision of implements, machinery or means of communicating intelligence for the efficient discharge of their duties by such brigades;
- (n) as to the procedure to be observed for the employment, punishment, suspension or removal of officers and servants of the committee and as to appeals from orders of punishment or removal;
- (o) as to the conditions on which property may be acquired by the committee or on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the State Government or officers of that Government shall pass;
- (q) for the preparation of plans and estimates for works partly or wholly to be constructed at the expense of committees, and for the preparation and periodical revision of maps and registers made under sub-section (3) of section 55 and for the authorities by which and the conditions subject to which, such plans, estimates, maps and registers are to be prepared and sanctioned;
- (r) for the regulation of contracts with electric supply companies for the supply of electrical energy;
- (s) for the assessment and collection of, and for the compounding for, refunding or limiting refunds of taxes imposed under this Act,

- and for preventing evasion of the same; and for fixing the fees payable for notices of demand;
- (f) as to the conditions on which a municipal committee may receive animals or articles into a bonded warehouse and as to the agreements to be signed by traders or others wishing to deposit animals or articles therein;
 - (u) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
 - (v) as to the preparation of estimates of income and expenditure of committees, and as to the persons by whom, and the conditions subject to which, such estimates may be sanctioned;
 - (w) as to the returns, statements and reports to be submitted by committees;
 - (x) as to the powers to be exercised by Deputy Commissioners under section 251 and the powers to be exercised by such Local Self-Government Board or Inspectorate as the State Government may establish;
 - (y) as to the language in which business shall be transacted, proceedings recorded and notices issued;
 - (z) as to the publication of notices;
 - (zi) to regulate the proceedings of persons empowered to accept composition under section 244 for alleged offences; and
 - (zii) mode of assessment, apportionment of compensation under section 153 amongst, and payment to, the persons entitled thereto;
 - (ziii) mode of communication of the order under section 153 to the person affected thereby;
 - (ziv) the manner in which the compost is to be made;
 - (zv) generally for the guidance of committees and public officers in carrying out the purposes of this Act; and
 - (zvi) for the same purposes as those for which a committee may make bye-laws under the provisions of sections 30, 198, 199, 200 or 210.
- (2) Rules under clause (g) of sub-section (1) may, among other matters, provide—
- (i) for the definition of the practices at elections held under the provisions of this Act which are to be deemed to be corrupt;
 - (ii) for the investigation of allegations of corrupt practices;
 - (iii) for making void the election of any person proved to the satisfaction of the State Government, to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty, or the result of whose election has been materially affected by the breach of any law or rule for the time being in force;
 - (iv) for rendering incapable of municipal office, either permanently or for a term of years, any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same;
 - (v) for prescribing the authority by which questions relating to the matters referred to in clauses (d), (e) and (f) of sub-section (1) shall be determined; and
 - (vi) for authorising courts to take cognizance of the breach of any such rules on the complaint of the Deputy Commissioner or some person authorised in writing by the Deputy Commissioner.

(3) The Municipal Account Code at present in operation in the municipalities of the State shall be deemed to have been made in pursuance of the powers conferred upon the Government by sub-section (1) of this section.

(4) In making rules under clauses (d) to (g), both inclusive, and clauses (m) and (s) of sub-section (1), the State Government may direct that a breach of any provision thereof shall be punished with fine which may extend to five hundred rupees.

(5) All rules made under this Act shall be subject to previous publication.

(6) A rule under this section may be general for all municipalities or for all municipalities not expressly excepted from its operation, or may be special for the whole or any part of any one or more municipalities as the State Government may direct.

(7) Notwithstanding anything hereinbefore contained, the State Government shall not make rules under clause (zvi) of sub-section (1) for a municipality unless the committee has been required by the State Government to make bye-laws under section 30, section 198, section 199, section 200 or section 210, and has failed to make any such bye-laws, or having made them has failed to obtain their confirmation by the State Government as required by sub-section (1) of section 215 within nine months of the date of the order of the State Government requiring them to be made, and any rules made by the State Government under clause (zvi) of sub-section (1) shall have effect as if they were, and shall be deemed for all purposes to be, bye-laws made by the committee.

(8) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

CHAPTER XII NOTIFIED AREAS

256. (1) The State Government may, by notification, declare that with respect to some or all of the matters upon which a municipal fund may be expended under section 51, improved arrangements are required within a specified area, which nevertheless, it is not expedient to constitute as a municipality.

Constitution of notified area.

(2) An area in regard to which a notification has been issued under sub-section (1) is hereinafter called a notified area.

(3) No area shall be made a notified area unless it contains a town or bazar and is not a purely agricultural village.

(4) The decision of the State Government that a local area is not an agricultural village within the meaning of sub-section (3) shall be final, and a publication in the Official Gazette of a notification declaring an area to be a notified area shall be conclusive proof of such decision.

257. (1) The State Government may—

(a) impose in any notified area any tax which could be imposed there by the committee under the provisions of section 60 if the notified area were a municipality;

Power of the State Government to impose taxation, and regulate expenditure of proceeds thereof.

Provided that any tax imposed on buildings and lands shall not be subject to the maximum limits prescribed by sub-clause (a) of clause (1) of section 60:

Provided also that a tax payable by the owner may be made payable by the occupier;

- (b) apply or adapt to the notified area for the assessment and recovery of any tax imposed under clause (a), any of the provisions of this Act, or of any rules for the time being in force, with respect to the assessment and recovery of any tax imposed under this Act;
- (c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a) and for the preparation and maintenance of proper accounts;
- (d) appoint a committee of one or more persons for the purposes of clauses (b) and (c);
- (e) appoint a president of such committee, and fix the term of office of member or president of the committee;
- (f) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the State Government may think fit.

(2) The proceeds of any tax levied in any notified area under this section shall be expended only in same manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.

Application of Act to notified areas.

258. For the purposes of any section of this Act which may be extended to a notified area the committee appointed for such area under section 257 shall be deemed to be a municipal committee under this Act and the area to be a municipality.

Discontinuance of notified areas.

259. The State Government may at any time cancel or modify any notification under section 256 or any order under section 257.

Application of funds of areas ceasing to be notified.

260. Save as provided in sub-section (8) of section 3 of this Act, when by reason of any order of cancellation under the last foregoing section, any notified area ceases to be notified, the un-expended proceeds of any taxes levied therein under section 257 shall be applied as the State Government may think fit.

CHAPTER XIII

MUNICIPAL ELECTION INQUIRIES

Definitions.

261. In this Chapter, unless there is anything repugnant in the subject or context—

- (a) "commission" means a person or persons appointed by the State Government to hold an inquiry in respect of an election under this Act;
- (b) "costs" means all costs, charges and expenses of or incidental to an inquiry;
- (c) "election" means any election held under the provisions of this Act or of any rules made thereunder;
- (d) "inquiry" means an inquiry in respect of an election by the commission;
- (e) "pleader" means any person entitled to appear and plead for another in a civil court, and includes an advocate, a vakil and an attorney of a High Court.

262. The State Government may appoint a commission consisting of one or more persons to hold an inquiry.

Appointment of Commission by the State Government.
Powers of Commission.

263. In respect of the following matters a commission shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit:—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) grant adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses;

and may summon and examine *suo moto* any person whose evidence appears to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

264. The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of this chapter, be deemed to apply in all respects to an inquiry.

Application of the Indian Evidence Act, 1872.

265. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Stamping documents.

266. (1) No witness shall be excused from answering any question relating to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will incriminate or may tend, directly or indirectly, to incriminate him, or that it will expose, or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind:

Witness not excused from answering on ground that answer will incriminate.

Provided that—

- (i) no person who has voted at an election shall be required to state for whom he has voted; and
- (ii) a witness who, in the opinion of the Commission, has answered truly all questions which he has been required by the said Commission to answer shall be entitled to receive a certificate of indemnity and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under chapter IX-A of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

267. Any appearance, application or act before the Commission may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Appearance, application or act before, Commission.

Provided that any such appearance shall, if the Commission so directs, be made by the party in person.

268. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commission to such person, and shall, unless the Commission otherwise directs, be deemed to be part of the cost.

Expenses incurred in attending to give evidence to be part of costs.

5 of 1908

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1 of 1872

45 of 1860

Report of
Commission.

269. At the conclusion of the inquiry, the Commission shall submit a report of its findings to the State Government, and such report shall include the opinion of the Commission on the amount of costs, including counsel's fees as the commission may deem fit, to be paid and the persons by whom and to whom such costs shall be paid.

State Go-
vernment if
in agreement
with findings
of the Com-
mission to
pass orders
accordingly.

270. On receiving the report of the Commission, the State Government shall pass orders either declaring the candidate duly elected or declaring the election to be void, and such orders shall be notified in the Official Gazette. Such orders shall be final and shall specify the amount of costs to be paid, and the person or persons by whom and to whom such costs shall be paid:

Provided that the State Government before passing final orders may remand any case for further inquiry or refer any point arising in any case to a civil court for opinion; and the civil court shall deal with any case forwarded to it as nearly as may be according to the procedure applicable under the Code of Civil Procedure, 1908, to the hearing of appeals.

Payment of
costs.

271. A certified copy of any order passed by the State Government under section 270 regarding the cost of the inquiry may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Secrecy of
voting.

272. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both.

Power to
make rules.

273. The State Government may make rules consistent with this Act, to carry out the purposes of this chapter, and all such rules shall be subject to previous publication.

CHAPTER XIV LOCAL OPTION PRELIMINARY

Definitions

274. In this chapter, unless there is anything repugnant in the subject or context—

- (1) "liquor" has the meaning assigned to it in the Punjab Excise Act, 1914 as in force in Himachal Pradesh;
- (2) "foreign liquor" means—
 - (a) all liquor imported by sea into India other than rectified spirit, denatured spirit and perfumed spirit,
 - (b) all beer manufactured in India.
- (3) "local body" means a municipal committee or notified area committee established or appointed under this Act;
- (4) "empowered local body" means a local body concerning which a declaration has been made under section 275 that it may exercise the powers therein specified.
- (5) "sale" includes any transfer other than by way of gift.

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1 of 1914

(6) "licensed shop" means the business premises of a person licensed to sell liquor by retail under the Punjab Excise Act, 1914, as in force in Himachal Pradesh, as specified in the licence, but does not include any of the following places in which only foreign liquor is sold, namely:—

- (i) a club,
- (ii) a hotel,
- (iii) a restaurant bar,
- (iv) a railway refreshment room,
- (v) a railway restaurant car.

(7) "local area" means the area over which a local body has authority.

275. The State Government shall, on the application of a local body, within a period not exceeding three months from the date of such application, declare by notification that such local body may exercise the powers conferred under sections 276, 277 and 280.

Application by local body for extension of the chapter.

POWERS OF AN EMPOWERED LOCAL BODY

276. (1) An empowered local body may, from time to time, by resolution passed in accordance with its rules of business, prescribe the maximum number of licensed shops at which liquor may be sold within its local area.

Restriction of the number of liquor-shops in a local area.

(2) Such number shall not be less, in the case of a municipal committee, than one-third, and in any other case, than one-half of the total number of shops licensed by the Collector for the retail vend of liquor on the 31st March of the year in which the application under section 275 is submitted, within the limits of such local area.

(3) Such resolution shall take effect from the 1st day of April in the year next following the date on which it was passed.

277. (1) An empowered local body may, by resolution passed, from time to time, in accordance with its rules of business—

Referendum.

- (a) prescribe a maximum number, which may be less than the proportion prescribed in sub-section (2) of section 276, of licensed shops at which liquor may be sold within its local area; or
- (b) direct that liquor may not be sold at any licensed shop within such local area:

Provided that no such resolution shall have effect under this chapter until it has been submitted by way of referendum to the registered electors of such empowered local body, and has been confirmed by a two-third majority of the total number of such electors.

(2) When a resolution has been confirmed under sub-section (1), it shall take effect from the 1st day of April of the year next following the date of such confirmation and shall thereafter remain in force, provided that any time such empowered local body may, by further resolution, declare that such resolution shall cease to have effect upon the 1st day of April in the year next following the date of such further resolution, and such resolution shall accordingly cease to have effect from such date.

278. Notwithstanding anything contained in the Punjab Excise Act, 1914, as in force in Himachal Pradesh, and the rules made thereunder with regard to the powers and functions of the Collector under the said Act, a resolution passed under section 276 or passed and confirmed under section 277 shall be binding upon the Collector of the district in which the local area concerned is situated:

Resolution of empowered bodies to be binding on Collectors.

Provided that if the Collector is of opinion for reasons to be recorded in

writing that within such local area illicit distillation or smuggling of alcohol has been carried on or connived at, within the two years preceding the date of the passing of such resolution, by any of the residents of such local area, such resolution shall not be binding upon him, unless the Commissioner orders that it shall be so binding.

POWER TO MAKE RULES

Powers of the State Government.

279. The State Government may make rules regulating the procedure for holding a referendum under section 277.

Power of local bodies.

280. An empowered local body may make rules prescribing—

- (a) the portions of its local area in which licensed shops may be situated;
- (b) the hours during which liquor may be sold at such shops;
- (c) the minimum age, which shall not exceed 18 years, of the persons who may be served with liquor at such shops.

FOREIGN LIQUOR

Special provision concerning foreign liquor.

281. Except as hereinafter provided, the provisions of this chapter shall not apply to the sale of foreign liquor, but when an empowered local body has prescribed a maximum number of licensed shops under section 276 or section 277 or has prohibited the sale of liquor under section 277, and the State Government is satisfied that the object of such prescription or prohibition is being evaded by the sale of foreign liquor in the local area concerned, the State Government shall, by rule made under section 58 of the Punjab Excise Act, 1914, as in force in Himachal Pradesh, prohibit the Collector from granting a license for the sale of foreign liquor in the said local area except in accordance with the terms of such resolutions as such empowered local body may have passed on or may pass in respect of country liquor, or with the special sanction of the State Government.

1 of 1914

GENERAL

Penalties.

282. Any person who commits a breach of any rule made under section 280 shall be punishable with a fine which may extend to one hundred rupees.

Saving of the provisions of the Punjab Excise Act, 1914.

283. Subject to the provisions of this chapter, the provisions of the Punjab Excise Act, 1914, as in force in Himachal Pradesh, and the rules made thereunder, shall have full force and effect in the local areas of all empowered local bodies.

REPEAL AND SAVINGS

Repeal.

284. The under-mentioned Acts are hereby repealed:—

1. The Punjab Municipal Act, 1911, as in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. 3 of 1911
2. The Punjab Municipal Act, 1911, as in force in the territories, transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. 3 of 1911
31 of 1966
3. The Punjab Small Towns Act, 1921, as in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. 2 of 1922
4. The Punjab Local Option Act, 1923, as in force in the territories, transferred to Himachal Pradesh under section 5 of the Punjab 5 of 1923

31 of 1966

19 of 1950

31 of 1966

2 of 1922

Re-organisation Act, 1966.

5. The Punjab Local Authorities Census Expenses Contribution Act, 1950, as in force in the territories, transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.

285. (1) Notwithstanding the repeal of any of the Acts under section 284:— Savings.

- (a) all the small towns declared as such under the Punjab Small Towns Act, 1921, shall be deemed to be municipalities of the second class within the meaning of this Act, and the small town committees, constituted under the said Act and functioning immediately before the commencement of this Act, shall be deemed to be the municipal committees constituted and functioning under the provisions of this Act;
- (b) anything done or any action taken including the municipalities constituted, committees established, limits defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into, permissions and licences granted, and suits instituted under any Act repealed under section 284, or any enactment thereby repealed, shall, so far as may be, be deemed, unless the State Government directs otherwise, to have been respectively done or taken, constituted, established, defined, made, issued, imposed or assessed, entered into, granted, and instituted under the corresponding provisions of this Act;
- (c) any reference made in any law for the time being in force, to any Act repealed under section 284, shall be construed as reference to this Act;
- (d) the members appointed to any municipal committee or small town committee under any of the repealed Acts, shall continue to hold office till the expiry of their present term of office.
- (2) For removal of doubts, it is hereby declared that any committee constituted before the commencement of this Act, shall be deemed to be constituted under this Act and the members of the committee, whether elected or appointed, and holding office at the commencement of this Act, shall continue to hold office till the expiry of their present term of office unless otherwise directed by the State Government.

STATEMENT OF OBJECTS AND REASONS

As a result of the re-organisation of the Punjab, certain areas have been transferred to Himachal Pradesh under the Punjab Re-organisation Act, 1966. In the transferred areas, the Punjab Municipal Act, 1911, as amended upto the date of the integration i.e. 1-11-1966, is in force, while in the old areas of the Pradesh, the said Act, as it stood amended upto the year 1948, is applicable. The Committee for the Unification of Laws besides suggesting the unification of the said Acts, has also suggested certain amendments in the existing provisions contained therein and the repeal of certain other Acts. This Bill, seeks to achieve the aforesaid objects.

Simla:
The 8th July, 1968.

HARI RAM,
Transport Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 255 and 279 of the Bill empower the State Government to make rules for carrying out the purposes of the Bill. Similarly clause 280 empowers the Local Bodies to make rules. Apart from this, clauses 30, 169, 198, 199, 200, 210 and 212 empower the Committees to make bye-laws in respect of the matters enumerated thereunder. The powers sought are necessary for the proper implementation of the proposed legislation and are of normal character.